B 5431

BISHOP HOADLY's

REFUTATION

OF

BISHOP SHERLOCK's ARGUMENTS

AGAINST A REPEAL OF THE

TEST and CORPORATION ACTS:

WHEREIN THE

JUSTICE AND REASONABLENESS OF SUCH A REPEAL ARE CLEARLY EVINCED.

TO WHICH IS ADDED

A SHORT APPENDIX,

CONTAINING

OTHER FACTS OR TESTIMONIES ON THE SAME SUBJECT.

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TO THE RIGHT HONOURABLE

WILLIAM PITT,

CHANCELLOR OF HIS MAJESTY's EXCHEQUER, &c.

SIR,

THE Author of the Tract, which I now take the liberty of introducing to your notice, was juſtly celebrated in his own time, for his great abilities, and his employment of thoſe abilities in ſupport of the beſt intereſts of his country. He was a firm friend to the Proteſtant ſucceſſion in the Houſe of Hanover, and his uncommon merit procured him the moſt flattering marks of parliamentary approbation. The great council of the nation publicly teſtified, in his own time, their ſenſe of the value of his writings; and they are equally entitled to the attention of the ableſt ſtateſmen of the preſent age. I need, therefore, make no apology for recommending the following Piece to your peruſal. The ſentiments of Biſhop HOADLY are founded on juſtice, truth, and reaſon; and are worthy to be addreſſed to the Firſt Miniſter of a great and enlightened Nation.

A repeal of the Teſt and Corporation Acts would be a wiſe, juſt, and patriotic meaſure; and, therefore, if a bill for this purpoſe be brought into parliament, it will have a natural claim to ſupport from your eloquence and diſtinguiſhed talents.

I am, SIR,

Your moſt obedient, and

moſt humble ſervant,

THE EDITOR.

ADVERTISEMENT.

BISHOP SHERLOCK's Arguments againſt a Repeal of the Teſt and Corporation Acts having lately been reprinted, in oppoſition to 'the Caſe of the Proteſtant Diſſenters, with 'reference to the Teſt and Corporation Acts,' it has, therefore, been thought proper to reprint Biſhop HOADLY's Arguments for a Repeal of thoſe Acts.—In an advertiſement prefixed to the republication of Biſhop Sherlock's piece, it is remarked, that 'it may be written againſt, but it cannot be anſwered:' and no notice whatever is taken in that publication of Biſhop Hoadly's performance. Thoſe, however, who will impartially peruſe the Reply of this able and learned Prelate to Sherlock's book, will be convinced, that the latter has not only been *written againſt*, but clearly *refuted*.—Biſhop Hoadly's piece, which was publiſhed in 1719, is entitled, 'The Common 'Rights of Subjects defended; and the Nature of the Sacra-'mental Teſt conſidered; in anſwer to the Dean of Chicheſter's 'Vindication of the Corporation and Teſt Acts.' But as this treatiſe conſiſts of more than three hundred pages, it was thought neceſſary to contract it, and to reduce his arguments within a narrower compaſs. This has, therefore, been done in the preſent publication; and ſome inconſiderable alterations have alſo been made with reſpect to language and arrangement.

Biſhop SHERLOCK's 'Vindication of the Corporation and 'Teſt Acts,' is written with much plauſibility and dexterity, but with little ſound argument. It abounds with fallacious reaſonings, and groſs miſrepreſentations. Biſhop SHERLOCK was, indeed, in many reſpects, a very able, ingenious, and learned Prelate; but his notions relative to the Diſſenters were

contracted

contracted and illiberal, and his manner of writing concerning them was disingenuous and artful. The principles that he laid down, in order to guard the Church against the Dissenters, were such as would justify every species of ecclesiastical tyranny; and many of his positions are totally inconsistent with Protestant principles, and unworthy of a Christian Bishop.

Bishop HOADLY, on the contrary, though an ornament to the Church of England, and attached to its real interests, was also attached to the common rights of mankind; and he knew, that the Church of England could derive no real honour from claims that were founded upon oppression and injustice. He knew, that the Protestant Dissenters were firm friends to the Protestant succession in the House of Hanover, and to the civil rights of the community; and that it was unjust to render men incapable of serving their country, merely for some differences of opinion on controverted questions of theology.—He, therefore, defended the cause of the Dissenters, with a zeal and liberality that did honour to his character: and the following piece is well adapted to convince every impartial man, that a Repeal of the Test and Corporation Acts is a measure founded upon reason, justice, and sound policy.

BISHOP HOADLY's

REFUTATION,

&c. &c. &c.

THE deſign of *Dean Sherlock*'s book * is to defend the excluſion of men from their acknowledged civil rights, upon the account of their differences in religion, or in the circumſtances of religion; and of making the ſacrament of the Lord's Supper, inſtituted by our Lord for the remembrance of himſelf, the inſtrument of this excluſion, by a new human inſtitution. And in the courſe of his work the Dean is repeatedly careful to obſerve, that, in vindicating the Teſt and Corporation Acts, he endeavours to juſtify the legiſlature, and to juſtify the laws of his country; which he repreſents me as arraigning and condemning.—I beg leave, therefore, here to tell him, once for all, that there was a time when the laws of this country were on the ſide of a Popiſh eſtabliſhment; and that the writing on the ſide of any law, as ſuch, is not a thing greatly to be boaſted of; and that the whole of the queſtion is, Whether the laws we defend be good and juſt, equitable and righteous; and not, whether they be the laws of the land, or not?—I ſhall alſo obſerve, that it is ſo far from being a crime, or an affront to any legiſlature, to endeavour to ſhew the evil conſequences, or inequitableneſs, of any law now in being; that all law-makers, who act upon principles of public juſtice and honour, cannot but eſteem it an advantage to have ſuch points laid before them: and as to myſelf, I ſhall ever, I hope, eſteem it as great an honour to contend againſt debaſing any of Chriſt's inſtitutions into political engines, as others can do to plead on the ſide of an act of parliament.—And I ſhall add farther, that I enter into this cauſe, both as a Chriſtian, and, I truſt, as one truly concerned for the public good of the ſociety to which I belong; conſidering it, not as the cauſe of any particular body of men, or any particular ſort of Chriſtians, diſtinct from others; but as the cauſe of all men equally, and of all ſorts of Chriſtians, who, in ſeveral places, and at ſeveral times, have an equal intereſt in it.

* When Dr. Sherlock publiſhed his Vindication of the Corporation and Teſt Acts, which was in the year 1718, he was Dean of Chicheſter. Biſhop Hoadly, therefore, in his Anſwer to him, generally ſtyles him *the Dean*. — Dr. Sherlock was made biſhop of Bangor in 1728, In 1734 he was removed to the ſee of Saliſbury, and was tranſlated to the ſee of London in 1748.

Dean

Dean Sherlock introduces his arguments againſt the repeal of the Teſt and Corporation Acts by obſerving, that 'the laws relating to 'this ſubject have not been diſtinctly conſidered by the writers upon 'it. They ſeem to argue merely upon popular miſtakes; and (as it 'ſerves their purpoſe beſt) ſometimes call the ſacrament the teſt, and 'ſometimes the qualification for an office; whereas it cannot be 'both, becauſe there is a real diſtinction between the teſt and the 'thing to be teſtified by it; it is, therefore, neceſſary to ſhew the 'true deſign and intent of the legiſlature in requiring the ſacramental 'teſt.'—He afterwards endeavours to prove, that the deſign of the legiſlature, in the Teſt and Corporation Acts, was to exclude Nonconformiſts, of all kinds, from all offices civil and military. 'Theſe 'acts' ſays he, 'being made for the ſecurity of the church, as by 'law eſtabliſhed, (i. e. for the ſecurity of the eccleſiaſtical conſtitution 'of the realm) the intention plainly was to keep Nonconformiſts, of 'all ſorts—out of offices civil and military; &c.' And this he repreſents as a reſult of a reſolution of the 'legiſlature, that places 'of power and truſt ſhould be in the hands of ſuch only as were well 'affected to the eccleſiaſtical conſtitution:' and he remarks, 'that 'affection for the eſtabliſhed government includes a concern for the 'public peace both of church and ſtate.'

The ſeveral miſtakes in theſe few lines are very viſible. 1. When the Corporation Act was made, many of thoſe miniſters who afterwards diſſented, were in poſſeſſion of their livings; and had been declared by King Charles II. himſelf, but a few months before, to have been found by him, when they waited on him in Holland, perſons full of zeal for the peace of the church and ſtate. Thoſe particular Nonconformiſts, who were followers of theſe men, could hardly be deſigned ſo ſoon to be excluded from any offices, merely in order to the preſervation of the public peace, &c. 2. The Teſt Act was particularly and peculiarly levelled at Papiſts, and not at Nonconformiſts in general; nor at all at Proteſtant Diſſenters, againſt whom the Dean now ſo ſtrenuouſly urges it. It was not, in the original deſign of it, a law for the particular ſecurity of the Church of England, as ſuch, or of the eccleſiaſtical conſtitution of the realm, as he is pleaſed here to affirm it to be; but for the ſecurity of the ſtate, and of the whole Proteſtant cauſe, againſt Papiſts alone, as he himſelf, in effect, afterwards owns. 3. The excluſion of Nonconformiſts of all ſorts was not therefore the certain intention of either of theſe acts; and undoubtedly not of the latter, 4. There could be no ſuch reſolution in the legiſlature, as the Dean mentions; becauſe receiving the communion according to the uſage of the Church of England, is ſo far from implying in it, that he who ſo receives it is well affected to the eccleſiaſtical conſtitution of the realm, that it is perfectly conſiſtent with the perſon's not ſo much as knowing one individual branch of that conſtitution, unleſs it be the office and manner of the celebration of the communion. 5. A true and real concern for the

peace

peace of church and ſtate does not always imply in it ſo much as a conformity in any one act of communion with the church which happens to be eſtabliſhed in any country; or, in the Dean's phraſe, to be the eccleſiaſtical conſtitution of any realm. – The good and honeſt Reformers were, I preſume, as truly concerned for the public peace both of church and ſtate in Queen Mary's days, as any of thoſe Papiſts who conſtantly conformed to her church. And yet they totally and openly ſeparated from it. They were Nonconformiſts, and yet had a true and ſincere concern for the peace of church and ſtate. This I only mention to ſhew, that nonconformity to a church eſtabliſhed by human laws cannot be in itſelf a certain ſign to Chriſtians of any want of a due concern for the peace of church and ſtate; and, therefore, that the before-mentioned words, relating to the preſervation of the public peace, cannot prove this intended excluſion of Nonconformiſts of all ſorts, and of all tempers.

Dr. Sherlock endeavours to ſhew, that receiving the ſacrament, according to the uſage of the church of England, is not the *qualification* for an office, within the intent of the act, but only the *proof* of ſuch qualification; the qualification required (he ſays) being, that the perſon be well affected to the eccleſiaſtical ſtate and conſtitution of theſe realms; and the receiving the ſacrament, according to the rites of the eſtabliſhed church, is the proof or teſt required that he is ſo[b].—The Dean has ſtrengthened this ſtatement with two ſuppoſitions, which he here makes for our legiſlators: as indeed his whole argument is founded upon multitudes of ſuppoſals, in a caſe of law, in which only plain words and plain expreſſions ought to be regarded. The firſt is, that 'every Chriſtian is ſuppoſed to receive the ſacrament 'ſomewhere[c]:' whereas it is manifeſt to the eyes of the world, that multitudes of profeſſed Chriſtians and profeſſed Church-men too, never have thought of doing it, but upon occaſion of offices; and that, therefore, it is not fit to make the legiſlature to ſuppoſe things abſolutely and notoriouſly falſe. Beſides, granting that the legiſlature did ſuppoſe it, this would not at all hinder the truth of the obſervation, that when they require for every new office, that a man ſhall receive the ſacrament, let it be in what manner it will, the receiving the ſacrament is the teſt, as well as the manner of doing it. The other point, which he puts upon the legiſlature, is, That 'it was ſuppoſed 'that no man would in ſuch manner receive it, but a member of the 'church of England[d]:' whereas, this could not be ſuppoſed; becauſe the contrary was known, as a thing open and notorious, that many men would in ſuch manner receive it, who were not Members of the Church of England. Excellent ſuppoſitions, to build important facts upon! and excellent repreſentations of the wiſdom and ſagacity of our legiſlators! and thus have we, firſt, facts, ſo ſtated, as to ſtand in need of invented ſuppoſitions! and then, ſuppoſitions invented, for the ſupport of facts which cannot ſtand without them.

b Biſhop Sherlock's Arguments, p. 5, 6. edit. 1787.
c P. 6 d P. 6

Receiving the ſacrament according to the uſage of the Church of England could be no proof of any man's 'affection to the eccleſiaſtical 'conſtitution of this kingdom,' becauſe the real inward diſpoſition cannot poſſibly, by any human law, be made a qualifiation for any office. It muſt, therefore, be abſurd, to talk of making an affection for the eccleſiaſtical conſtitution the qualification.—That this inward affection is not the qualification required by the act is manifeſt; becauſe a perſon receiving the communion according to the uſage of the Church of England, performing only the outward act juſt as others perform it, is unexceptionably qualified according to law; and equally, whether he be a friend, or a profeſſed enemy, to our eccleſiaſtical conſtitution; nay, whether he be a profeſſed Atheiſt, or Deiſt, or a ſincere Chriſtian.

That the legiſlature could not conſider receiving the ſacrament, according to the uſage of the Church of England, as implying an approbation of our whole eccleſiaſtical conſtitution, is evident; becauſe it was well known, when the Teſt Act was paſſed, that there were many Nonconformiſts who could, with a ſafe conſcience, and according to the avowed principles and practice of themſelves and their moſt celebrated teachers, comply in this particular, and receive the communion according to the uſage of the Church of England.—The Dean of Chicheſter very well knows, that Mr. Baxter and Dr. Bates frequented our communions; and without doubt ſincerely, becauſe they had nothing but their own perſuaſion to carry them thither; and yet he knows, this ſincerity in communicating with our church, was ſo far from implying a ſincere affection to our eccleſiaſtical conſtitution, that it was conſiſtent with a ſtated Nonconformity, and a hearty zeal in it. This being well known to the legiſlature, at the time when the Teſt Act was paſſed, it could not be conſidered by them as well adapted for the complete excluſion of Proteſtant Diſſenters.—But the fact was, that receiving the communion, according to our manner, was regarded at that time as the moſt effectual teſt for the excluſion of *Papiſts*: not, as Dr. Sherlock ſuppoſes, as the moſt probable evidence that the man was ſincerely well affected to the eſtabliſhed church, or to our whole eccleſiaſtical conſtitution; but as a proof that the man was not a *Papiſt*: becauſe ſuch a liberty was never known to be indulged to them, by their eccleſiaſtical ſuperiors, as this of communicating with us, whom their head and their leaders declare not to be a Chriſtian church. Receiving the ſacrament, according to the uſage of the church of England, was required as an outward practice which the Popiſt recuſants did not, and were not allowed to perform; and upon that account only was in this reſpect proper, that it would effectually diſcover who were, and who were not, the perſons againſt whom this act was truly deſigned to guard.

Dr. Sherlock ſays, that "Receiving the ſacrament was never "eſteemed a qualification in our law[e]." But I cannot but conſider that

[e] P. 91

that as the legal qualification for an office, without which the law declares all other qualifications ſhall ſignify nothing; and, by virtue of which any perſon, who externally fulfils this law, ſhall certainly and legally poſſeſs his poſt: though he has not any one of thoſe inward qualifications, of which the Dean makes this only the ſign or mark. —I deal not here in imaginations of what is ſuppoſed in our laws; which they lay it upon no perſon to judge of, or at all to concern himſelf with. And if this be a miſtake in me, it is a miſtake common to all about me; it having now obtained in the current language amongſt the gentlemen of the law, as well as others (with whom a perſon's receiving the ſacrament, in purſuance of this act, and qualifying himſelf for an office, are ſo promiſcuouſly uſed) that when the queſtion is aſked, whether any perſon has qualified himſelf? every body underſtands it to be aſked, whether he has received the ſacrament?

After having given what he calls a ſtate of the caſe, and made ſundry preliminary obſervations, Dr. Sherlock ſtates the two following *queſtions*, upon which, he conceives, the whole of this cauſe depends:

I. The firſt is, 'Whether it be lawful to confine offices of power and 'truſt in the government to ſuch as are obedient and well-affected 'to the eccleſiaſtical ſtate and conſtitution of the realm?

II. 'Suppoſing this to be lawful, whether it be alſo lawful to 'require of any man, who is willing to accept an office civil and 'military, that he ſhould communicate with the eſtabliſhed church; 'and particularly, that he ſhould receive the ſacrament according to 'the uſage of it; in order to prove ſuch his obedience and good 'affection to the eccleſiaſtical conſtitution?'

Theſe are the two queſtions, which, he ſays, ariſe from the true ſtate of the caſe, as laid down by him.—But the fact is, that his ſtatement of the caſe is extremely erroneous, as appears from what has been already advanced. And, indeed, receiving the ſacrament according to the uſage of the Church of England is no proof, as he ſuppoſes, and in the Teſt Act was never deſigned as any proof, of any inward affection for the eſtabliſhed church, or ſo much as of a conſtant conformity to the church; nor does it even imply that a man ſo much as knows what the eccleſiaſtical conſtitution of the realm is.

I. In diſcuſſing the *firſt* queſtion, and in endeavouring to prove 'that 'it is lawful, in ſome caſes, to make laws, by which ſome perſons 'ſhall be rendered incapable of offices' (which I do not controvert), he begins with talking of incapacities which regard the ſtate, the commonwealth, the civil government, the want of the love of one's country, diſaffection to the public, and the like: and from the lawfulneſs of eſteeming ſuch diſpoſitions to be incapacities, he leads the reader to think that even a leſs degree of affection to one particular church, or way of religious worſhip, is that diſaffection to the public and that want of love to one's country, which is juſtly argued from hence

hence to be an allowable and plain incapacity.—About the former of theſe we are agreed. But does it at all follow, that, becauſe thoſe particular perſons, who are declared enemies to the ſtate, to the civil ſtate and civil government of a nation, are incapable of holding offices in it, and juſtly treated as ſuch by their governors; that therefore a body of men, perfectly *well* affected to the *civil* ſtate, and zealous for a civil government which has been ſettled many years, may as juſtly be excluded in the groſs, becauſe they are not ſo well affected to one particular church, which happens to be the eccleſiaſtical conſtitution of the ſame country?

If theſe principles, which he has begun with, tend at all to his concluſion, then it muſt be maintained, that the church of any country is the civil conſtitution of that country; and that a diſaffection to that, is the ſame ground of excluſion as a diſaffection to the ſtate commonly ſo called; which the Dean has never yet attempted to prove. This will be a great honour to Chriſtian apoſtolical churches; and be full of ſuch conſequences, as muſt of neceſſity make it equally juſt and right in ſome parts of the world, to exclude the lovers of the beſt church in being, as in other parts of it to exclude thoſe who happen to like a worſe church better.

Theſe principals muſt, of neceſſity, juſtify all the moſt bitter perſecutions in the world; only calling the eſtabliſhed religion, or church of any country, by the happy name of the eccleſiaſtical conſtitution of that realm, which all national religions equally are, or may be; and then arguing and talking about it, juſt as a civil conſtitution; and ſuppoſing all oppreſſion and cruelty to be ſelf-defence, which it all is in this caſe, as much as excluſion from offices. And, indeed, I am of opinion, that difference in church matters, as ſuch, is no ground of ſuch reſtraint in what is the common right of civil ſubjects, conſidered as civil ſubjects; and that they, who have a part in that common right, have a right to plead it in favour of themſelves.—The Dean may, if he pleaſes, call this contention for a ſhare in what is the common right of mankind by the hard names of avarice and luſt of power f. But then he muſt bear to be told, that he does ſo only becauſe he is uppermoſt, and has no occaſion for ſuch a plea; and that if he were amongſt the undermoſt, he would have ſpirit and ſenſe enough to be one of the firſt to feel and ſpeak ſuch grounds of complaint. He would not then fear, I am perſuaded, to put the greateſt writer, who ſhould talk in this ſtyle, in mind, that there is no end of ſuch reproaches: nor would he ſpare to ſhew his adverſaries, that there is nothing eaſier than to retort them; by telling them to their face, that the excluſion of their fellow-citizens from offices, and the confinement of all to themſelves and their own party, is a much more flagrant inſtance of avarice and luſt of power.

The Dean ſays, that 'they, who in any nation have the legiſlative 'power entruſted with them, are bound to take care of the welfare 'and preſervation of the community over which they are placed g.'—

Now

f P. 20. g P. 22.

Now I profeſs, that I cannot ſee, whither this will tend, in the preſent argument. But the community, I uſed to underſtand the whole body politic; whoſe civil intereſt is one and the ſame. But I ſuppoſe, it muſt be now confined to the members only of one church: or elſe I cannot ſee what place it has here, in order to prove that the legiſlature has a right to exclude from civil offices all the members of other churches, though never ſo zealous for the common civil intereſt of the whole community. For, if the members of this one church do not make up the whole community; it will follow from this maxim, that equal care is to be taken by the legiſlature of every part and every member of this community. And if ſo, the Dean's cauſe is totally indefenſible.

He alſo ſays, 'that men ought not to be puniſhed for any offence 'againſt the public, without plain proof that they have offended [h]'. I am here as much at a loſs to find out what tendency this likewiſe has, unleſs to deſtroy the Dean's main purpoſe. For as a diſſent from any particular church, though eſtabliſhed, is no offence againſt the public, (as it was well known by Proteſtants when they diſſented from the eſtabliſhed Popiſh Church:) ſo an excluſion from all civil offices, upon account of ſuch diſſent, is a puniſhment, as it has been too well felt to be, by Proteſtants, both here and in other countries. And as a puniſhment inflicted upon ſome now, for the ſake of what others did multitudes of years ago, is truly a puniſhment without proof of any offence of their own, the Dean's argument undoubtedly makes againſt himſelf.

But the Dean proceeds farther to obſerve, that 'all governments have 'a right to provide againſt probable dangers to the ſtate: in con-'ſequence of which they have a right to provide that all power in the 'ſtate ſhall be lodged in ſuch hands only, as they reaſonably judge to 'be well affected [i].' 1. Here we have again the words government and ſtate: which can be of no ſervice to the Dean in his cauſe; unleſs he be reſolved that the church, which happens to be ſettled in any country, ſhall be the ſtate and the civil government and the whole community of that country. 2. Indeed, if I were reading this ſentence, independently upon the argument which it is deſigned to introduce, I ſhould not doubt, but that it was a profeſſed and deſigned argument for employing equally, in places of power and truſt, all perſons equally well affected to the civil government; and for employing, more than others, thoſe of all ſorts who have given moſt proofs of their affection to a preſent civil government, whatever their ſentiments in religion be. To this I am ſure it tends; and this is the natural and unavoidable conſequence of it: unleſs the Dean can prove that the church is the ſtate, and ought to be conſidered as ſuch.

Dr. Sherlock having, as he conceives, eſtabliſhed the poſitions which have been lately mentioned, proceeds to their application to

[h] P. 22. [i] P. 22.

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the caſe in debate: 'The right of the ſtate,' ſays he, 'to limit the 'ſubjects capacity of holding places of power and truſt being ſuppoſed; 'it ſtill remains to be conſidered, whether they had *ſufficient reaſon* for 'what they did in the caſe before us[k].' Would not any one imagine, that the way had been now prepared by principles, which might have a cloſe reſpect, in their conſequences, to the ſequel of the argument? — And yet, if we look back, we ſhall not find any thing more done, in expreſs words, but the general right of the ſtate to take care of the community, and to exclude out of offices ill-affected perſons; and to lodge power in the hands of thoſe only, who are well affected to the public; and the like.—Whereas, in the preſent cauſe, the preliminaries which ought to have been proved, are ſuch as theſe, viz. That the ſtate has a power to limit this capacity, on accounts merely religious: that the civil government need not have equal regard to the whole community: that the legiſlature may juſtly exclude thoſe from offices, who are truly in the intereſt of the ſtate, merely becauſe they are not ſo well affected to any church eſtabliſhed: that law-makers may juſtly debar from ſerving their country, thoſe who are well affected to the public, for want of an affection to the prevailing forms of religion, under the notion and name of the eccleſiaſtical conſtitution of a realm, and the like.—Dr. Sherlock knew to how many inconveniencies of ſpeech and argument theſe principles expreſsly maintained, would lead a Chriſtian writer, and to how many ſelf-contradictions they would lead him in particular; too groſs to be palliated with all his ſkill; and, therefore, he wiſely ſuppoſes them to be included in what he has been ſaying. He wraps up the church in the ſtate-mantle: he makes it a conſtitution of a realm: and ſo, confounding it with the civil ſtate, orders the principles of civil government (which belong entirely and only to civil government) to ſerve the purpoſes of a Chriſtian church: and this, with ſuch dexterity of hand and ſuch addreſs of his pen, that the unwary reader does not ſo much as know where he is, whilſt it is tranſacting; and little imagines, that the application of principles, in which the very word religion, or church, and every other word relating to them, is avoided, can poſſibly be the ſole premiſes of ſuch concluſions as follow. But thus it is: for the Dean, immediately after laying down theſe principles, comes to conſider 'Whether 'the ſtate had ſufficient reaſon for what they (he means our legiſ-'lators) did in the caſe before us.'

In order to clear the affirmative ſide of this queſtion, he gives us a little piece of hiſtory from the Reformation here in England to our own times, in which there are ſeveral very remarkable paſſages; though hardly any thing more remarkable than this, that a Chriſtian divine, profeſſing to write upon this occaſion, merely becauſe the goſpel and Chriſtianity were brought into the diſpute, ſhould not have thought it worth his while to have gone back farther; and have ſhewn the excellent influence of his general principles upon Chriſtians and Chriſtianity,

k P. 23.

Chriſtianity, when the power of making and executing laws was univerſally in the hands of heathens.—He obſerves, at the entrance of his ſtory, that 'the government of England is in the hands of 'Chriſtians; and ſo far, he hopes, there is no fault.' 1. I will add, if he pleaſes, that ſo is the government of Scotland, of France, of Spain, &c. And the Nonconformiſts, in all theſe, muſt feel the happy influence of his principles whether he will or no. Nay, 2. I will add, that it is of no importance to his cauſe whether the government be in the hands of profeſſed Chriſtians or not; and that, if it were in the hands of Heathens, his principles would give the ſame right to them againſt Chriſtians, as they do to Chriſtians againſt one another. And, 3. I will be ſo free as to obſerve, that the point of concern to any nation is not ſo much, whether the government be in the hands of profeſſed Chriſtians, as whether thoſe profeſſed Chriſtians who have it in their hands, behave themſelves like Chriſtians, in their making and executing only ſuch laws as are conſiſtent with moral juſtice and Chriſtian charity.

The Dean goes on, 'When they, in whom this power was lodged '(that is, the power of government in England) found it neceſſary 'to forſake the errors of the church of Rome, and to throw off the 'heavy yoke of popiſh power, under which they had been long 'oppreſſed; they ſaw at the ſame time that religion could not be pre-'ſerved without ſome ſettled order and diſcipline. And though the 'reformation claimed the uſe of the ſcriptures, as the undoubted 'right of every Chriſtian who was capable of uſing them, yet they 'had ſenſe enough to know, that to *leave every man to make the beſt of* 'his Bible, without any farther direction or reſtraint, *would naturally* 'tend to confuſion, and fill the kingdom with all the wild conceits that 'ignorance and enthuſiaſm could produce[1].'

It is ſurely ſomewhat extraordinary, in a Proteſtant country, to hear a learned and celebrated divine maintain publicly, that there are ſome Chriſtians who have no right to the uſe of the ſcriptures; or, which is all one, who may juſtly be reſtrained, in the uſe of this right, by the laws of men. If we are at length come to this, the next queſtion will be, how much this differs from the proceedings in thoſe Popiſh countries, where this uſe of the ſcripture is denied to all the people, becauſe all are incapable; or in thoſe, where it is reſtrained to ſome, becauſe they are judged capable by their leaders, and denied to others, becauſe they are judged incapable?—Indeed, Dr. Sherlock's ideas on this ſubject, ſeems exactly conformable to the cuſtom in ſome Popiſh countries. There is a licence for ſome of the laity, after ſtrict examination and good aſſurances, by which they are empowered legally to read the ſcriptures: whilſt others are debarred from it, who are likely to make any uſe of it, to the diſadvantage of the preſent poſſeſſors of power. And thus they likewiſe, as well as the Dean, allow

[1] P. 23.

allow the uſe of the ſcriptures, as the right of every Chriſtian capable of uſing them. But then, they claim to themſelves the right of judging who are capable.

When Dr. Sherlock declares, in the paſſage before quoted, that thoſe who were in poſſeſſion of the powers of government, at the period of the Reformation, 'had ſenſe enough to know, that to leave every 'man to make the beſt of his Bible, without any farther direction or 'reſtraint, would naturally tend to confuſion' he does in effect affirm, (as he is ſpeaking of civil reſtraints, and of ſuch reſtraints as are eſtabliſhed by the authority of parliament,) that it is the glory of our legiſlators, to have provided, that every man ſhall not be left to make the beſt of his bible; and to have eſtabliſhed, not only directions, but reſtraints, to this purpoſe: for he ſays, this was in order to prevent all the wild conceits, which properly belong to religion, and not to civil government. Now, if it be the glory of a Church of England legiſlature to provide that Chriſtians ſhall not be left, in religious matters, to make the beſt of their bibles; then it muſt be the glory of a Popiſh legiſlature to do the ſame, in other countries; and of a Preſbyterian legiſlature in others. With the former, the Proteſtantiſm of a Church of England man is one of thoſe wild conceits, which come from the unreſtrained uſe of the ſcriptures: and with the latter, the government by epiſcopacy, if it be held neceſſary, is eſteemed a a wild conceit.—If ſo, are they not all alike in this reſpect? and their glory the ſame diſgrace and infamy to all that can be called Chriſtian freedom?

If the leaving every man freely, and without reſtraint, to make the beſt of his bible, be ſuch an unſpeakable un-happineſs, becauſe of the wild conceits coming from ignorance, &c. for God's ſake, why was the world diſturbed with a reformation at all: which would indeed have been only the dream or image of a reformation, without claiming this univerſal right of Chriſtians to all Chriſtians equally? If this be ſuch a terrible conſequence, as to juſtify human reſtraints, why was the Popiſh reſtraint diſturbed, which would have prevented this miſchief more effectually, if reſtraints could do it?—Shall we ſtill go on to mock mankind, and tell them, that a Popiſh reſtraint is indeed bad, but that a Proteſtant reſtraint is very good and uſeful; that the Chriſtian people have a right againſt any reſtraint, but what we ourſelves lay upon them: that the Papiſts cannot judge who of the laity are capable of the uſe of the ſcriptures, and who not; but that we can: and the like? It is time, methinks, to leave off ſuch partiality to ourſelves in the caſe of religion; and ſuch inſults upon our brethren: leſt the meaneſt and moſt ignorant of them, by degrees, ſhould come to ſee that we ſpeak as if Popiſh reſtraints had been removed for our own ſakes only, and not for theirs.

That the free and unreſtrained uſe of the ſcriptures, in the hands of every Chriſtian, is not the thing which naturally produces wild conceits, is evident from all thoſe wild conceits which are produced

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for want of this, by ignorance and enthuſiaſm, in thoſe countries where this uſe is denied to the laity; and in the very centre of Popery itſelf. How many are the monſters of enthuſiaſm and ignorance, amongſt the myſtical writers of that church, which locks up the ſcripture from the people? and how are the various inconſiſtent myſteries and tenets of the ſeveral orders in it, all maintained and kept alive, for want of granting this free uſe of the ſcripture to all the laity?—The wildeſt conceits in the world, are there where is moſt reſtraint: and therefore it cannot be, that the free uſe of the ſcripture ſhould naturally produce, what is in the moſt enormous degree produced, where it is not.

If any one, through a miſunderſtanding of ſcripture falls into wild conceits; it lies between his own conſcience and that God, the judge of the world, who gave him this right, notwithſtanding the poſſibility or probability of his being miſtaken in the uſe of it. We cannot juſtify the taking away or reſtraining a right by human laws, which belongs to men by a divine law, as to creatures capable of religion; under which conſideration no human laws can have a proper authority over them. We may, with more juſtice and equity, reſtrain men from making the beſt of their eyeſight, or of the common prudence in worldly affairs; than from making the beſt of that law, which God has propoſed to all, who have it in their power to hear of it.

Dr. Sherlock ſays, that thoſe in whoſe hands the government of England was veſted, at the time of the Reformation, conſidered, that 'it was *the will of Chriſt*, that there ſhould be a *viſible church*; and 'though they had withdrawn from the Church of Rome, as being 'corrupt, yet they were obliged to viſible communion; for theſe 'reaſons they continued the national church, freed from the errors 'and the corruptions of Rome, under a government and diſcipline '*formed upon the platform of primitive Chriſtianity*. This Church was '*eſtabliſhed by law*.[m]' But as to a viſible church, and the eſtabliſhment of it by law, it is evident beyond all contradiction, that human laws neither can make, nor unmake, the viſibility of a Chriſtian church. It is plain from experience, that there was a *viſible Chriſtian church near three hundred years before there could be a national church, eſtabliſhed by human laws.*

The Dean's way of arguing here, therefore, does no honour to our law-makers, or to our eſtabliſhment: for a viſible church there may be, and has been, not only without, but againſt, 'the laws of the powers of this world.' Therefore, our civil governors muſt know, that this could be no reaſon for the eſtabliſhment of a church by human laws; becaute without ſuch eſtabliſhment the church is and muſt be viſible.

But, as the Dean has laid down his reaſons, it ſtands thus:

'Our civil governors conſidered, that it was the will of Chriſt that 'there ſhould be a viſible church. And, therefore, in great wiſdom, thought

[m] P. 23, 24.

'thought fit to take a method, without which his church was visible 'for about three hundred years, and without which it would be still 'as visible as it can be with it. That is, in order to a visible church, 'they did that which has no relation to the visibility of it.'

Having given the above account of the establishment of the national church, Dr. Sherlock says, 'the people of England were bound to 'communion with it, as Christian subjects; so bound, I mean, that 'nothing but a persuasion of errors and corruptions in the church 'could excuse a separation from it [n].' (Hence it appears, that even the Dean himself is of opinion, that those who are persuaded that there are errors and corruptions in the Church of England are justifiable in separating themselves from it.) But he afterwards says, 'Upon these 'principles the reformation here proceeded; the crown and people 'found it necessary to reject the Papal power, together with the cor-'ruptions of the Romish Church; but they found it necessary too 'to preserve an authority in church matters, and to settle an eccle-'siastical government even for the better reformation of religion. 'Some, indeed, there were, in the early ages of the Reformation, who 'pleaded for *Christian liberty* in such a manner, as to leave no room 'for *Christian discipline*; but these made no great figure, and were 'esteemed then as mere *fanatics*. Had they who conducted the 'Reformation, set out upon these prejudices (for I desire to be 'excused from calling them principles,) by this time I verily believe 'Christianity itself had been lost among us; and *the supremacy vested in 'every man, in his own behalf*, had long since established a consummate 'stupidity and ignorance; but who would have been the happier for 'it, I profess myself at a loss to imagine [o].'

The *supremacy* vested in every man, in his own behalf, at which Dr. Sherlock takes so much offence, is nothing but the right which every man has to judge for himself in the affairs of conscience and eternal salvation; a right not to be prejudiced by the claims of power and authority in any men upon earth.—And how can the exercise of this right have any tendency towards establishing 'a consummate 'stupidity and ignorance,' or towards the destroying Christianity itself among us? The exercise of this right supposes enquiry, thoughtful-ness, comparing of things together, studying the New Testament, endeavouring to find out the will of God, and the laws of Christ, and all the like dispositions and habitudes. And are these the methods by which ignorance and stupidity ever did, or ever could in time past, or ever can in time to come, get ground and plant themselves in the world? Is enquiry or consideration the way to stupidity and ignorance? or, is the Christian religion so little able to stand the test of all honest enquirers, as to be in danger of being lost from among us, merely by a right in every man to judge of the truth of it? God forbid!

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[n] P. 24. [o] P. 24. 95.

I would entreat the Dean to conſider how Chriſtianity itſelf was planted; and how that true knowledge, which is oppoſed to ſtupidity and ignorance in religious matters, came firſt into the world. Did not our Saviour call upon every man to examine his pretenſions; and venture it to every man's own choice, whether he would be a Chriſtian or no? Did not his apoſtles firſt commend thoſe, who would not be led by authority, but ſearched the ſcriptures, in order to be Chriſtians upon good grounds; and afterwards, exhort thoſe, who were already Chriſtians, to try all things themſelves? Was not this the method by which the truth of the goſpel, and the knowledge of the will of God, were firſt propagated? Where there any reſtraints ſpoken of, to thoſe of Berea, who *made the beſt of their Bible*; and were highly applauded for it? and can the ſame method, which alone was thought proper to plant Chriſtianity in the world, be the way to deſtroy it from amongſt men?

At the time of the Reformation, the Chriſtian world was ſunk univerſally, (clergy as well as laity,) into conſummate ſtupidity and ignorance, not only as to what is called literature, but as to what is true Chriſtianity.—I beg it may be conſidered, firſt, by what methods this miſerable ſtate of things was brought to ſuch a pitch: and then, by what methods it was in ſo great meaſure cured by the Reformation.—The anſwer is in one word this, that the cauſe which was ſeen naturally to effect thoſe evils, was the very contrary to what the Dean here would lay them upon. It was ſolely the taking away this right of judging from Chriſtians; this ſupremacy, which Chriſt veſted in every Chriſtian in his own behalf: and lodging this ſupremacy in one man, or in a council of men, over others. This made all enquiries uſeleſs and dangerous. Terrors and reſtraints were added: and neither clergy nor laity were allowed to make the beſt of their Bible. Hence came in neceſſarily a neglect of a matter ſo hazardous and ruinous, as ſtudy and conſideration: and from hence, by degrees, an inundation of ſtupidity and ignorance. How, indeed, could it be otherwiſe? when, take away this right or enact penalties upon the exerciſe of it, and then the direct road to preferment, as well as to quiet, muſt be by a profound ſubmiſſion, a conſummate ſtupidity, and a reſolute ignorance: or elſe, by a binding all theſe upon others, as the perfections of a Chriſtian, the parents of all devotion, and of all good.

But when the evil of all this came to be not only ſeen, but felt, to an intolerable degree; how was it cured? not by preaching up the right of ſome to judge for others in religion; not by pronouncing the neceſſity of reſtraints in the caſe of the uſe of the ſcriptures; not by deſtroying the ſupremacy veſted in every Chriſtian in his own behalf:—but by calling upon all equally to ſearch the ſcriptures; by teaching them, that their own perſuaſions would juſtify their choice of church-communion, which they had a right to determine for themſelves;

that Chriſt had called them to this true Chriſtian liberty, and had veſted in every one of his followers this ſupremacy, which reſulted from their right to follow their own conſciences in religion; and which it was their duty to exerciſe. It was this, and this alone, which let the beams of divine light into that internal priſon of darkneſs, ſtupidity, and ignorance, which had enfeebled the eye-ſight and enſlaved the hearts of mankind ſo long. It was this, which revived Chriſtianity, as it were, from the dead, by ſending all to the fountain and original: and it was this alone, which planted and increaſed true knowledge and freedom, inſtead of the blackneſs of darkneſs, and the chains of ſlavery.—If any methods have been ſince made uſe of, contrary to theſe maxims and inconſiſtent with theſe foundations, any reſtraints laid upon this Chriſtian liberty, any diſcouragements to the freedom of enquiry and judgment of Chriſtians, I am ſorry for it. There is juſt ſo much given back to the cauſe of ignorance and all its conſequences; which muſt of neceſſity gain life and recover ſtrength, juſt in proportion to the diſcouraging univerſal enquiry and the private judgment of Chriſtians, in order to determine their own conduct in religion.

Dr. Sherlock ſays, 'that the Proteſtant Church of England has 'enjoyed but little peace from its firſt eſtabliſhment [p];' and he attributes this want of peace, in part, to thoſe who fled from England in the reign of queen Mary, 'and brought back thoſe notions which 'have given this church and nation ſo much trouble ever ſince. 'Theſe,' he ſays, 'were one great occaſion of the diſturbance in 'Queen Elizabeth's reign.—Under the *management* of James I. the 'diſaffection to the eſtabliſhed church grew ſtrong; and in the days 'of his unfortunate ſon, a prince who deſerved a better fate, it pre-'vailed as well againſt the crown as the mitre [q].'

Theſe obſervations are intended by the Dean to ſhew the neceſſity of ſuch acts as the Teſt and Corporation Acts, in order to exclude all who diſſent from the eſtabliſhed church from offices of power and truſt in the nation.—Now, let any man ſet himſelf down to the reading of the riſe, progreſs, and iſſue of all this unhappy part of our hiſtory, and let him weigh all circumſtances impartially within his own breaſt; and then let him judge whether this very hiſtory, from the days of queen Elizabeth, will not itſelf furniſh a ſtrong argument for the very contrary to what the Dean is going to infer from it. For, if he finds that it is an hiſtory of the effects of the paſſions of men, ſet on fire by hardſhips and excluſions, made outrageous merely for want of an univerſal mutual forbearance, carried to their height by oppreſſions and difficulties for the ſake of differences in religion, he will judge between the *Dean*'s argument drawn from hence, and what *I* would infer.—*His* argument is this: 'There has been long a diſaffection to 'the church; and this diſaffection has heretofore broke out into violences,

[p] P. 25 [q] Ibid.

'violences, and at laſt prevailed againſt both the crown and the 'mitre. Therefore, it is juſt and wiſe now to exclude all from civil 'offices who diſſent from the church.'—*My* argument is this: 'All 'this diſaffection was continually heightened by the hardſhips and 'preſſures put upon thoſe who at all diſapproved of any thing in the 'eſtabliſhed church, even though conſtant conformiſts to it. Their 'ſuffering in their civil rights upon religious accounts, was the 'inflaming conſideration, and what gave fire to their paſſions, which 'at laſt produced ſuch effects. The contrary, therefore, would have 'the contrary effect. Let all hardſhips, and all oppreſſions, little and 'great, ceaſe: let there be no civil puniſhment, or civil ſuffering, 'or civil inconvenience (call it, as the Dean pleaſes,) on the account 'of what is the dictate of men's private conſciences, unleſs it imme-'diately affect the civil government; and I cannot but think there 'would be an end of the keenneſs of the diſaffection itſelf, and of all 'the paſſionate effects of it.' At leaſt, there is this probability for it: the former method has been tried, and has been ſo far from diminiſhing it, that it has been ſeen to blow it up into violence and force; and even to excuſe this violence by the ſame pretence of ſelf-defence againſt thoſe who had practiſed ſeverities againſt their fellow ſubjects upon that ſame foundation. The latter has never yet been tried wholly and effectually. The degree in which it has been tried has been ſeen to have mollified, and not ſharpened that diſaffection throughout the nation: and the greater the degree is, the greater in proportion will the effect be.

In order to cure an evil, you muſt go to the original *cauſe* of it. If the deplorable miſchiefs which the Dean touches upon have either in part, or in whole, proceeded from diſaffection to the church; and this diſſaffection to the church ever has been increaſed and inflamed into violence by any ſort of oppreſſion or difficulties or inconveniencies, laid upon thoſe who differed from it: then the true cure for theſe evils is to prevent them by acting a contrary part, and trying that which never yet has had, in any part of the world, ſo fatal effects. To go on in the old way of continuing grievances, or burthens, is only to pave the way to the ſame evils whenever time and opportunity ſhall offer; and this, as certainly as that the ſame human nature will be worked upon in the ſame manner, by the ſame methods; or as certainly as that the ſame cauſes, all things concurring, will ever produce the ſame effects.

When Dr. Sherlock ſtates the abolition of monarchy and epiſcopacy, during the civil war, and reaſons upon it, his argument amounts to this:—That in *King Charles's days*, thoſe who then diſſented from the Church of England, having got power and opportunitiy, prevailed againſt the crown; overturned the civil conſtitution; eſtabliſhed their own church; and as much as in them lay, aboliſhed the government, diſcipline, and worſhip of the church which was, before this, the

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eſtabliſhed church; the eccleſiaſtical conſtitution of the realm; which is always ſuppoſed to be part of the government. *Therefore*, it was juſt and wiſe, after the Reſtoration, to exclude by law, all from places of power and truſt, who differed at that time from the eſtabliſhed Church of England. And, therefore, likewiſe (which I beg of the reader particularly to obſerve, as it is the whole deſign of the Dean's book, though very much neglected and very little laboured by him,) it is juſt and right *ſtill to continue* to exclude all Nonconformiſts at preſent, about ſixty years [r] after that time, from all capacity of holding offices: to which capacity they have an undoubted right, were it not for ſuch a law of excluſion; or were it not for their nonconformity.

In anſwer to the Dean's mode of reaſoning upon this ſubject, I ſhall urge *three* arguments, of the concluſiveneſs of which every reader may judge for himſelf.

ARGUMENT I.

THAT way of reaſoning which would have made it wiſe and reaſonable to have excluded multitudes of *conſtant Conformiſts*, as well as Nonconformiſts, from all offices of power and truſt, cannot be juſt.

But the Dean's way of reaſoning, which puts the cauſe upon what had paſſed in the years preceding the Reſtoration, will equally hold for the one, as for the other.

And therefore, is not juſt.

All the world will preſently ſee what I mean. The remonſtrances againſt the crown and the mitre both, and the civil war itſelf, were begun and carried on by *churchmen*; by conſtant churchmen; by a parliament full of churchmen. This was the grand original and occaſion of thoſe evils which come afterwards; though unexpected and undeſigned by thoſe who firſt began.—But what I argue is this: that, if it be good reaſoning to infer from paſt proceedings that the followers of ſuch and ſuch perſons, in ſome of their main principles, may juſtly be excluded from offices of power and truſt; it will follow from hence, that it had been juſt in King Charles II. and his adminiſtration, to have excluded from offices of power and truſt, all perſons who would not ſolemnly renounce and deteſt thoſe firſt proceedings in defence of liberty and property and the principles of thoſe firſt patriots, who actually began a war with the crown, which was the inlett to all the calamities and evils which the Dean mentions.—I beg of him to take notice, that I do not ſay that, by his way of arguing, theſe men were as bad or intended as much evil, as others brought on, who ſucceeded them in the civil power: but that his way of reaſoning would have comprehended them, as well as the others, in his excluding acts; and the rather, becauſe he chuſes to found it upon principles which are truly the principles of civil government only; which will carry it farther

[r] Upwards of ſixty years more muſt now be added to the calculation, as that time is elapſed ſince the publication of Biſhop Hoadly's book; or conſiderably more than a century in the whole.

in

in civil diſaffection than he can ever make it bear in matters merely eccleſiaſtical. And then, indeed, the miſcarriages and evils of former times might juſtly, if his reaſoning be juſt, have ſerved for an argument of a legal confinement of all offices, only to the higheſt churchmen, and to the higheſt advocates and ſupporters of *abſolute non reſiſtance:* becauſe none beſides theſe did ſtrenuouſly and conſtantly ſhew affection for that adminiſtration and management, both in church and ſtate, which gave birth to the uneaſineſs and jealouſies of the ſubject in King Charles the Firſt's days.

ARGUMENT II.

THAT way of reaſoning cannot be juſt, which concludes and argues for a remedy, which *has no relation to the evils* which are complained of.

But the Dean's reaſoning is of this ſort: And,

Therefore, cannot be juſt.

I ſay, it is of this ſort. For the argument is this, That it is right and wiſe to exclude Nonconformiſts now from all offices of power and truſt, becauſe ſome who did not like the Church of England, in former days, were guilty of great iniquity; and aboliſhed the eſtabliſhment of that church, when they had power in their hands. Now this, I ſay, is a remedy, of no relation to the diſeaſe; becauſe all thoſe evils were not the effects of any ſuch former law, by which Nonconformiſts were capable of offices: and, therefore, the making any ſuch excluſive law, ſince that time, cannot be juſtified by thoſe evils. The power which any Nonconformiſts then arrived at, was not the effect of any law in being, or the conſequence of their being capable of holding offices under King Charles I.—But the ſtate of that matter was thus; that multitudes of the churchmen themſelves were alarmed not only at the crown but at the mitre. They had great jealouſies and ſuſpicions of evil deſigns: they demanded a redreſs of many grievances: and, at length made open war with the crown. The nature of human affairs is always ſuch, in all quarrels of ſo public a nature, that evils follow thick upon one another. This rupture increaſing and growing wider by degrees, made way for any, who could, to ſeize the power: and they have the civil power, in ſuch caſes, who can get and maintain the ſtrongeſt and moſt ſucceſsful army.

Now this being the ſtate of the caſe, that not ſo much as the beginning or the leaſt degree of theſe evils proceeded from any legal capacity of Nonconformiſts for offices under King Charles I. but rather from the hardſhips put upon theſe, as well as upon many churchmen themſelves, in their religious rights as well as civil; it cannot poſſibly be made an argument, that Nonconformiſts ought now to be excluded from all offices of power and truſt.—For it muſt, upon this bottom, ſtand thus. Some Nonconformiſts, making uſe of the rupture between a parliament of churchmen and the king, at length

length prevailed both againſt the crown and the mitre; and carried things to all extremities both againſt the king and the church, by virtue of a powerful army. Therefore it is fit and juſt to exclude them all by a law from all capacity of ſerving their king and country hereafter, in any offices of power and truſt.—Whereas, if the argument from paſt evils were good, it ought to ſtand thus: The Nonconformiſts, by means of being legally capable of offices of power and truſt, under King Charles I. deſtroyed him, and ruined the Church of England. Therefore, the proper remedy is, to exclude them all by a law, from all ſuch capacity for the future. But there can be no ſuch argument as this juſtly framed; for thoſe evils were not cauſed, either in whole or in part by any ſuch capacity; and, therefore, the remedy propoſed is not of any relation to it, nor do thoſe evils at all point out ſuch a remedy.—I confeſs I ſhould rather argue thus: Thoſe evils were begun by partiality and oppreſſion; and therefore the true, laſting, effectual remedy would be, for the government to aboliſh all partiality as to civil rights, and all hardſhip, wherever there is equal affection to the civil government, properly ſo called.

The Dean very dexterouſly and judiciouſly often forgets to mention the Teſt Act, and lays his ſtreſs upon the Corporation Act[a]. He declares this act to have been 'no more than what the gentlemen of 'the Church of England had found, by woful experience, to be neceſ-'ſary to their preſervation [s].' He demands, 'in the name of all that 'ever was called Chriſtian charity, what leſs could be done?' And he 'calls heaven and earth to judge of the equity of the proceedings;' and tells us, that this was made neceſſary by the evil ſpirits ſtill working, notwithſtanding the clemency of the crown after the Reſtoration; ſometimes drawing his argumeuts even from preambles of acts of parliament, the nature of which every one knows, and ſometimes ſpeaking of the Corporation Act as the 'defence of th·t religion, which the 'nation received as delivered by Chriſt, from force and violence.' There never, I believe, was ſuch a mixture of materials in any debate as we find here in a few pages.

ARGUMENT III.

THAT way of reaſoning which is founded upon a *falſe ſtate of the fact*, and accompanied with contradictory and *inconſiſtent topics*, cannot be juſt.

But the Dean's way of reaſoning here is ſurrounded with theſe circumſtances:

Therefore, it cannot be juſt.

a The *corporation* act only renders the office void, where the ſacramental teſt is wanting; but the *teſt* act both renders it void, and inflicts a heavy penalty and the moſt dreadful diſabilities on the party. The former act was paſſed to confirm Charles II. in his throne; the latter to prevent the Stuart family from availing themſelves of the help of the Papiſts, during the latter part of that reign, and in the reign of James II.

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As to the ſtate of the caſe, many things are here ſaid by Dr. Sherlock which are not true, and many omitted which are true.

1. The Dean conſtantly hides from his readers what the juſtice of an hiſtorian (for ſuch he here is) cannot deny even to thoſe whom he exceedingly diſlikes and diſapproves, viz. that King Charles II. was actually *reſtored* to his kingdom by the help at leaſt of one great party of Diſſenters from our church Several miniſters of one perſuaſion waited on him, with whom he declared himſelf entirely ſatisfied, as to their peaceable diſpoſitions. The army, without which he could not have been reſtored, was of the ſame perſuaſion. It was well known and thoroughly perceived, that epiſcopacy and the public worſhip of the Church of England, were of neceſſity to be (as to the main branches of them) reſtored with him. Nor was any reluctance to this in general expreſſed; but a great deal of joy and ſatisfaction in the whole affair.—This, I ſay, ſhould have been remembered, by one who profeſſes to enter with ſo much reluctance upon the bad ſide of thoſe affairs: and it ſhould have been remembered as ſome ſmall amends, at leaſt, ſome mark of diſlike of what had paſſed, ſome token of no diſaffection to the King or his government.—Theſe particulars were ſo remarkable whilſt the impreſſion was freſh, that the Lord Chancellor Clarendon, in a ſpeech to the parliament, Sept. 13, 1660, in the King's preſence, deſcribed the army then to be diſbanded to be little leſs than invincible, and 'an army whoſe order and diſcipline, 'whoſe ſobriety and manners, whoſe courage and ſucceſs had made it 'famous and terrible over the world,' in order to ſhew the King's ſenſe of his obligation to it. And as to others alſo, the ſame noble Lord, at the meeting of the following parliament, in his ſpeech to the Houſe of Lords, called upon them to 'conſider how much they owed 'to thoſe who, with all the faculties of their ſouls, contributed to 'and contrived the bleſſed change; and then how much they owed to 'thoſe who gave no oppoſition to the virtuous activity of others; and 'God knows (ſays he) a little oppoſition might have done much 'harm, &c.'—In this ſtrain were matters ſpoken of (till new views produced new language), even openly and by authority. And therefore the Dean, amidſt all his hiſtorical notices, need not have been aſhamed or afraid to have done juſtice, common juſtice, to thoſe upon whom he was now going to put hardſhip enough, and to bind it upon them with all the ſtrength of that noble topic of ſelf-defence.

When all this, together with the promiſes ſolemnly made at that time, ſhall be conſidered, every one will ſee that, if ſomething elſe beſides ſelf-preſervation had not been meant, ſuch acts could not ſo ſoon have been thought of. Nor was it long in that reign, before the moſt ſerious churchmen, as well as others, ſaw very plainly that the diſuniting of Proteſtants from one another, and the ſtrengthening the contrary intereſt, and the bringing in new meaſures, (or rather the madneſs,)

madneſs,) of loyalty, by extravagant addreſſes from the corporations of England, where ends more certainly in the view of ſome at that time, than the preſervation of the gentlemen of the Church of England (as the Dean puts it), who were then in no danger, as I know of, but from themſelves. This account of the fact, from whatever root theſe proceedings ſprung, ſhould not have been omitted—and then an argument of another ſort would have offered itſelf, to this effect: Since it is certain that one ſort of Nonconformiſts bore a great part in reſtoring the King, and multitude of Diſſenters expreſſed an entire acquieſcence in it; and ſince the King himſelf openly profeſſed great ſatisfaction in them, and made promiſes not to forget this: it follows from hence, either that the evil ſpirits mentioned in the preamble of the Corporation Act were not the Nonconformiſts, as ſuch, or elſe that this preamble (as it is with many others) does not give us the true reaſons of the bill, and therefore cannot be alleged as any certain proof of the neceſſity of it; though it is urged for this purpoſe by Dr. Sherlock.

2. The Dean's account of ſome of the tranſactions after the Reſtoration is contradictory and inconſiſtent. He firſt gives an account of the glorious ſtate of things after that event, when 'the cruelties, the op-'preſſions, and devaſtations of many years, were all buried in ſilence 'and oblivion [t];' and when all was harmony and peace; and then immediately proceeds to defend the equity of making a law, which could not but revive thoſe animoſities, and ſet on fire thoſe reſentments, which were now happily extinguiſhed, and exchanged for peace and quiet on all hands. But the Dean will find it difficult to prove, that ſome differences in religious matters was a juſt ground for a deprivation of a whole body of men from civil rights; and even of thoſe men, who had but juſt now been declared by the king himſelf to have merited greatly at his hands. And, indeed, till Dr. Sherlock can give a more conſiſtent account than he has done of the ground of the Corporation Act, neither heaven nor earth can judge any otherwiſe of his ſtate of the caſe, but as of ſomething which deſtroys itſelf by irreconcilable contradictions; and as an inſtance, amongſt many others, of the uncertain grounds upon which a bad cauſe ſtands; as well as a proof that it is the glory of truth only to be uniform and ſelf-conſiſtent.

The three arguments, which I have now particularly urged, againſt the general ſtrain of Dr. Sherlock's reaſoning, appear to me to be concluſive;—and I ſhall now proceed to take ſome notice of the dextrous manner in which the Dean, in different places, ſpeaks of the *Corporation Act*. This act is ſometimes repreſented, in modeſt terms, as a defence, of the government; ſometimes of the church, under the notion of part of this government; that is, the eccleſiaſtical conſtitution of this earthly kingdom; and as ſuch, modelled and framed by men very lately, though containing many branches of great uſefulneſs and antiquity.—But, on a ſudden, the words are changed from temporal

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to

to ſpiritual; from earthly to heavenly; from the conſtitution of a realm, to the religion of Chriſt himſelf. The Corporation Act is now declared to be no leſs than the 'defence of that religion, which the 'nation received as delivered by Chriſt, from force and violence'; —and to have been deſigned for the 'ſuppreſſion of the many kinds of injuſtice 'practiſed upon this people'.

To the latter of theſe, I ſhall obſerve firſt, that theſe inſtances of injuſtice were entirely and effectually ſuppreſſed *before* the Corporotion Act was made. The power was diſlodged from thoſe who poſſeſſed it before the Reſtoration. The Government, he tells us himſelf, was returned to its natural channel. And, therefore, to repreſent the Corporation Act as deſigned, or as neceſſary, for the ſuppreſſion of that injuſtice which was already ſuppreſſed, is to repreſent our legiſlators in a very mean and inconſiſtent light.—Was it poſſible for any Nonconformiſts, only by remaining capable of holding inferior offices under the King, bound and confined by the laws then in force, to exerciſe any of thoſe kinds of injuſtice, which the Dean will not enumerate, for fear of their harſh ſound? Were not theſe all ſwallowed up and aboliſhed, before this act was thought of? Or does this act at all contribute to the ſuppreſſion of thoſe kinds of injuſtice which were practiſed before the Reſtoration, but which of neceſſity ceaſed with it? Nay, does not his own hiſtory, in the page before, inform him that the very memory of theſe was almoſt loſt in univerſal good nature, humanity, lamb-like meekneſs, and Chriſtian charity, which came in with King Charles II. and his followers, and tamed even the fierceneſs of lions themſelves [u]?—But I return to the Dean's exquiſite repreſentation of the Corporation Act, as a '*defence of that religion*, which the nation received as delivered 'by Chriſt, from force and violence.' And here I muſt obſerve,

1. That he ſhould have aſked himſelf, what need of this, when in the ſentence a little before, he had declared all force and violence to have been ſwallowed up in harmony and love?

2. That any one may again aſk, what need of this act to this purpoſe, when all power was already taken out of thoſe hands who are deſcribed as uſing force and violence? No fear then, of force and violence from an inferior and very ſmall body of men. Nor did force and violence, as I have before obſerved, proceed from their being capable of holding civil inferior offices, under the ſupreme legiſlative and executive power. And therefore, this act was no defence againſt that force and violence which the Dean here intends. But,

3. What I would chiefly obſerve, is, that the nation never was, I hope, ſo weak, and ſo regardleſs of the goſpel, as to receive the eccleſiaſtical conſtitution of this realm, as the religion delivered by Chriſt. It is the former, which is deſigned to be defended by ſuch acts of parliament, as the Dean himſelf has often told us.—But, indeed, what he here means by the nation is very uncertain. If he means truly the nation, or the whole of the people, he knows there is a part of it, which is far from taking this conſtitution to be the religion delivered by Chriſt; and perhaps

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perhaps ſome weak enough to believe another conſtitution, diametrically oppoſite to it, to be part of Chriſt's religion. If he ſpeaks here, according to the prejudices of many and the falſe judgment they make of things, his argument will ſerve equally for the Popiſh conſtitution, and the Kirk of Scotland; and juſtify all in the making excluſive acts, who think and judge falſely their own conſtitution to be Chriſt's religion: If he means that this is truly judged ſo to be, I would beg to know by whom? For,

4. All true, conſiſtent Proteſtants, receive only the New Teſtament, as containing the religion delivered by Chriſt. This is the religion of Chriſtians, conſidered as ſuch: and this alone is their refuge and the avowed ſtandard of all their notions, amidſt their ſeveral and contradictory ſyſtems.—The Dean will hardly ſay, that the Coporation Act was ſo neceſſary, that without it Chriſtians were not allowed to have recourſe to their Bible; or to ſearch for the will of Chriſt in the New Teſtament. Nor can he be ſuppoſed to be much concerned on this account: when before, he has made the eſtabliſhment itſelf and all ſuch acts of parliament as this, to be neceſſary remedies againſt the great evils ariſing from every man being left to make the beſt of his Bible. He told us then, of the great neceſſity of human reſtraints to be added to that right of ſearching after the religion delivered by Chriſt—and now he tells us of defending that religion from force and violence. By which I can underſtand nothing, but either that he almoſt conſtantly forgets, in one page, the very main arguments he builds upon in another; or elſe, that he argues that we muſt lay reſtraints, (which is but another expreſſion for uſing ſome degrees of force and violence) for fear others ſhould do it. We muſt do that which we exceedingly blame in others; for fear they ſhould, one time or other, come to have the power of doing it: not conſidering, that this very uſage is the road and provocation to their doing it as ſoon as they can; and that it is a diſgrace, and not an honour, which we may well leave to others, without being fond of imitating them. But,

5. Another thing to be conſidered by all Chriſtians is, that the religion delivered by Chriſt can be juſtly ſupported only by Chriſt's methods. All the laws and acts of parliament in the world can only ſupport an outward profeſſion of ſomething; which, as far as it is received from men, and practiſed as the will of men or the law of men, is ſo far different from the religion of Chriſt. They may keep up an human conſtitution: and either allure men by temporal rewards to adhere to the outward form of it; or terrify men by temporal inconveniences from departing from it; or indiſpoſe men by both, from examining at all what it is for their eaſe and their intereſt to take as it is offered to them. But the religion delivered by Chriſt, as ſuch, is not concerned in ſuch laws. It ſubſiſted, the ſincere profeſſion of it ſubſiſted, not only without, but often againſt, human laws; which is a demonſtration, that whatever it is that ſuch laws are neceſſary to preſerve, it is not the religion delivered by Chriſt: nor ought the people to be ſo impoſed upon, as to be made to believe this.

ſpeaking

Speaking of the circumſtances that attended and preceded the Reſtoration, Dr. Sherlock aſks the following pathetic queſtion: In the name of all that ever was called Chriſtian charity, what leſs could be done, than the paſſing this Corporation Act?—To which I anſwer, in the name of all that was ever called Heathen juſtice, let all puniſhments, or ſufferings, or whatever ſofter name he will give them, follow the nature of men's crimes. If theſe perſons, to be guarded againſt, were, at the time of making ſuch acts, enemies to the lawful civil government of the nation; I am ſo far from thinking that leſs could have been expected, that I would myſelf have contended for more, againſt any men who openly avowed any principles againſt the civil rights of their country; or who were guilty of any overt acts againſt it. But as this pathetic queſtion is founded ſolely upon differences about churches and ways of worſhip; I confeſs, I cannot ſee, and therefore cannot acknowledge, that the ſame methods were reaſonable, Chriſtian, or fitting, in this caſe, which would have been ſo in the other.—And in this opinion I ſhall be the more confirmed, whilſt I ſee that the Dean himſelf was determined, and found a neceſſity ſo to be, firſt to make the church the ſtate, before he could openly and plainly adapt civil principles to religious matters. This compliment to a Chriſtian church I never yet paid; and I believe never ſhall be able to pay it: and therefore cannot follow him in the conſequences, which are entirely built upon this, and upon nothing elſe.

And as this queſtion of the Dean's reſpects only the Corporation Act, I will obſerve here, that the cauſe of the Teſt Act is not at all helped by it: for, if the gentlemen of the Church of England (as the Dean ſays) thought themſelves under a neceſſity to make the former in their own defence againſt Proteſtant Nonconformiſts, this will not at all juſtify the preſſing the continuance of the latter againſt them, which was entirely deſigned and framed for the ſupport of the common Proteſtant intereſt againſt Papiſts.

In order to ſhew the danger of repealing the Teſt and Corporation Acts, Dr. Sherlock ſays, 'The Diſſenters are ſtill fond of their own principles 'and opinions; and we have once ſeeen how that fondneſs tranſported 'them, when power was in their hands. Why then are we not to ſuppoſe, 'that they would uſe power again, if put into their hands, to ſet up what 'they account pure religion, and to expel what not only they, but others 'of higher rank, and under greater obligations to the Church 'have treated as Popiſh and ſuperſtitious [w] ?'—It is ſurely ſtrange that the Dean ſhould imagine, that merly permitting Diſſenters to have the *legal capacity*, or *poſſibility* of being employed in civil offices, under a civil conſtitution with the foundation of which they are entirely ſatisfied, would naturally lead them not only to attempt, but to obtain, the ſupreme power, and to effectuate the moſt extraordinary changes. But in order to this, they muſt have an Houſe of Lords, an Houſe of Commons,

[w] P. 30, 31.

mons, and a Prince upon the Throne, all concurring; which are not very probable ſuppoſitions.—And, indeed, all the Dean's ſpeculations about the uſe which Diſſenters would make of the ſupreme power, if they were in poſſeſſion of it, are only calculated to amuſe the reader, and to lead his attention from the *true* ſubject of debate, which is the common rights of mankind; and whether theſe rights can be forfeited by good civil ſubjects, merely upon the account of differences in religion: and the truth is, that their capacity of holding offices (which is the ſole point before us) is ſo far from being affected by the caſe of their predeceſſors poſſeſſion of the ſupreme power long ago, or by the paſt behaviour of thoſe predeceſſors, that no argument can poſſibly be drawn from hence, for refuſing to them what they have otherwiſe an allowed right to.

Dr. Sherlock talks much of the diſaffection of the Diſſenters to the government at former periods: but admitting, for argument ſake, that his ſtatement were juſt; if diſaffection to the civil conſtitution, teſtified by former actions, were a juſt ground for the making ſuch excluſive acts, then certainly the trueſt affection to the preſent civil conſtitution, teſtified by a behaviour of thirty years, and particularly in all critical times of danger, is the juſteſt reaſon in the world for the putting an end to ſuch acts.

The Dean ſays, that 'the Diſſenters are ſtill fond of their own 'principles and opinions.'—But it may be aſked, Are not Churchmen likewiſe fond of their own principles and opinions? And do not they think and maintain, that, in contending for their own ſcheme, they are contending only for the execution of the laws of Chriſt? The Dean is very ſolicitous, that the powers of government ſhould be employed, and that reſtraining laws ſhould be maintained, in ſupport of the church, and on the principles of ſelf-defence; and he often confounds the church and ſtate together. But that way of reaſoning ought not to be applauded or received by Proteſtants, which actually did cruſh the Reformation at the beginning; which now actually hinders it, or oppreſſes it, in all Popiſh countries; and which juſtifies thoſe who either heretofore obſtructed it, or now in any country do it. But the Dean's way of reaſoning neceſſarily produces theſe effects; and, therefore, ought to be rejected by all Proteſtants.

What I have now affirmed of the Dean's reaſoning is very plainly true: for if the eſtabliſhed church of a country be the ſtate, or a part of the civil conſtitution; or, if the eccleſiaſtical conſtitution of a country be the government or part of the public, in ſuch ſenſe as to be juſtly defended and ſupported upon the ſame civil principles, and by the ſame ſort of civil methods of ſelf-defence: If this be ſo (which is in truth the whole of the Dean's main argument), then this not only in the event will be applied and conſtantly made uſe of in all countries equally, but with equal truth and juſtice may be made uſe of to the ſame purpoſes every where. Theſe general principles of civil ſelf-defence turned

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to the uſe of church ſelf-defence are as good, as juſt, and as righteous, in France, or Spain, or Italy, as they are in England; and the general argument drawn from them concludes as ſtrongly and as juſtly for all the ſame hardſhips upon Nonconformiſts (that is, Proteſtants) in thoſe countries, as it can do againſt any Nonconformiſts in England: for it is not drawn from any privilege that we Chriſtians of our eſtabliſhed church have above thoſe of all other nations, to be more hard and ſevere upon all diſſenters from us, becauſe we have a more excellent, that is, a more Chriſtian church than any others have (which would infer the contrary); but from thoſe general principles of ſelf-defence, which are no better here than they are every where; but indeed are equally good, and therefore equally to be made uſe of as a common right by every public, every community, every government (for theſe are the words the Dean has introduced into this argument), and with the ſame juſtice that they can be made uſe of in this country.

It was as righteous, according to the Dean's argument, for the Papiſts, in all parts, to deny to *their* Diſſenters at firſt (that is, to all who joined in the Reformation) the common rights of ſubjects; and it is as righteous now, according to the ſame argument, in all Popiſh countries, to deny to Proteſtants thoſe common rights; as it is in England to deny them to Nonconformiſts. Now that reaſoning which defends the intereſt of a Proteſtant Church, by the ſame principles which equally defend the intereſt of all Popiſh Churches, cannot be juſt, nor truly for the intereſt of the Proteſtant cauſe.—And this, therefore, I ſay, is one ground upon which Proteſtants, as Proteſtants, ought always to reject it.

Another argument, which I ſhall urge againſt Dr. Sherlock's mode of reaſoning, is, that that way of reaſoning which juſtifies, and calls for, the excluſion of Churchmen from offices of power and truſt, in North Britain, cannot be juſt in the opinion of good Churchmen. But the Dean's way of reaſoning juſtifies that excluſion in North Britain; and, therefore, it ought not to be allowed in South Britain, by any true friend to the Church of England.

For as the Dean's whole argument is founded upon this particular Church being the eccleſiaſtical conſtitution of the realm; upon the force of thoſe principles which belong to civil governments and communities; upon declarations of acts of parliament; and upon the remembrance of paſt tranſactions; it will be evident, that all the like proceeding are juſt, wiſe, fitting, reaſonable, and neceſſary in Scotland *againſt* the Church of England; which are declared by him to be fitting, wiſe, reaſonable, and neceſſary in England for the *ſake* of the Church of England. For the two kingdoms being now effectually united, it unluckily happens, that we have two eccleſiaſtical conſtitutions of the ſame realm. Both of theſe are equally, in the ſame ſtrong words, declared by the laws of men in this realm, to be eſſential and fundamental to that union; the one in the ſouth, the other in the north. In the ſouth, the members of the Kirk of Scotland, as well as all who differ from our Church,

Church, are Diſſenters. In the north, the members of the Church of England, and all who differ from that Kirk.

The whole of Dr. Sherlock's book is, indeed, of an admirable and almoſt unequalled comprehenſion. It ſheds its kind influences upon all churches equally; by making it wiſe and juſt, for every one of them to be defended againſt the others, by oppreſſion upon the members of others. It is particularly of two differing complexions, and has two different tendencies, in this ſame realm, in which we happen to have two very differing eccleſiaſtical conſtitutions.—As it is printed at London, it is a defence of the Church of England, as by law eſtabliſhed, againſt all Nonconformiſts; by ſhewing the reaſonableneſs of excluding them from all offices of power and truſt. Let it be printed at Edinburgh, with the change of a few names and words; and the hiſtory of the deſtruction of the Kirk put inſtead of that of the deſtruction of the Church of England; and I will anſwer for it, it is, with equal juſtice and truth, a defence of the Kirk of Scotland, as by law eſtabliſhed, ſhewing the juſtice, reaſonableneſs, and neceſſity of excluding from all offices and poſts of any power and truſt all Nonconformiſts, and particularly all epiſcopal men; all who do not enter into the ſcheme of the confeſſion of faith there eſtabliſhed; all who are fond of any other ſcheme, as of the religion delivered by Chriſt. The argument will be the ſame there as it is here. The ſame topics, and the ſame principles will thrive and proſper there, becauſe they belong equally to all ſtates and churches whatſoever: and will live and flouriſh even in the coldeſt climates, by their native heat and vigour.

Dr. Sherlock, as one argument againſt the repeal of the Teſt Act, ſays, that this act is in effect declared to be eſſential to the union [x] of the two kingdoms of England and Scotland, and to remain for ever unalterable, by virtue of that clauſe in an act, paſſed previouſly to the Union; which declares, that all and ſingular acts then in force, for the eſtabliſhment and preſervation of the Church of England are made perpetual: under which deſcription the Teſt Act (he ſays, though with ſome ſort of dubiouſneſs and heſitation) may come.—But he acknowledges, that the act before the Union does not *expreſsly* mention the Teſt Act, as it does others.—And the only poſitive argument he has to produce, in ſupport of his opinion, is, That in the tenth year of Queen Anne, the Teſt Act is declared to have been made for the ſecurity of the Church of England. But this is far from being a juſt argument, That ſome in the fifth year of Queen Anne meant to ſay this of the Teſt Act, becauſe others of very different ſentiments from them, five years after, did ſay it. Neither do theſe others ſay, that this was included, or deſigned to be thus included, in the act before the Union; which is the only point now before us.—If the eſtabliſhment and ſecurity of the Church of England were neceſſarily to fall, or did indeed depend upon the Teſt Act, the Dean's preſent argument might have ſome weight, ſuppoſing the eſtabliſhment itſelf to be really unalterable;

[x] P. 51.

terable; but ſince, upon ſuppoſition of the taking a part of this act away, neither the eſtabliſhment of the Church would be any other, nor the ſecurity of the Church would be any leſs, than what they are now, the argument is not of importance. And the Dean himſelf will not take upon him to affirm, that the legiſlature is tied up from all alterations of ſuch laws, though declared unalterable.—And it may be remarked, that he himſelf aſſures us, that the Kirk of Scotland enjoys the like ſecurity with the Church of England; or that there are two eccleſiaſtical conſtitutions of this one realm, both equally declared unalterable; and both inviolably to be preſerved. Now, there is no Teſt Act relating to the Kirk of Scotland; and yet that Kirk enjoys the like ſecurity with our Church, by the act of Union. Therefore, the Teſt Act in particular could not be accounted, in the act referred to, neceſſary to the ſecurity of one Church; whilſt at that very time all proviſion was made for the ſecurity of the other Church, without ſuppoſing ſuch a particular Teſt Act neceſſary for that end.

Though Dr. Sherlock ſeems, in one place, to be of opinion, that the conſtitution of the Church of England is rendered unalterable, in conſequence of the Union, yet he declares, in another place, that 'the 'eccleſiaſtical eſtabliſhment (as far as it is in its nature changeable by 'human laws) ought to be agreeable to the ſenſe of the nation y.' If ſo, then, upon any alteration of the ſenſe of the nation, (that is, the majority) the eſtabliſhment itſelf not only may be, but ought to be altered according to it.—The reſtriction here added, as far as it is in its nature changeable by human laws, makes no difference at all, as to the point in hand. For all eſtabliſhments are changeable juſt as far as they are human eſtabliſhments: All are changeable by human laws, juſt as far as they are founded upon human laws. Before Chriſtianity itſelf was an eſtabliſhment by human laws, it was Chriſtianity, and ſubſiſted in the profeſſion and practice and worſhip of its followers: and after it ceaſed in ſome countries to be eſtabliſhed by human laws, that alteration changed nothing of what was unchangeable in it. It ſtill remained, and was the ſame religion, whether eſtabliſhed or not eſtabliſhed: which I mention to ſhew, that ſuch reſtrictions ſound only as if ſome ſenſe were under them; whereas, in truth, eſtabliſhments by human laws are juſt ſo far changeable as they are eſtabliſhments; and, conſidered as human eſtabliſhments, have nothing in their nature unalterable.

The Dean remarks, that the advocates for a repeal of the Teſt and Toleration Acts, talk of religious rights preſerved or reſtored by the Revolution; but 'the legiſlature,' he ſays, '*knows no religious rights*, '*but what are contained in the eſtabliſhment of the Church of Eng-*'*land* z.'—And this he endeavours to prove, from the Lords and Commons telling King William, at the latter end of his reign, that 'after 'the ſettlement of the crown on himſelf, &c. in his firſt year, his 'Majeſty's

y P. 43.

'Majeſty's good ſubjects were reſtored to the full and free poſſeſſion 'and enjoyment of their religious rights and liberties,' I ſuppoſe, he takes his argument from hence, that, at the time to which they look back in theſe words, there was no legal toleration enacted; for he aſſerts, that 'no religious rights were then actually reſtored, but the 'people's free enjoyment of their religion as profeſſed in the eſtabliſhed 'Church.'

Though I am, indeed, very ſorry to hear this imputation upon the legiſlature; yet it concerns me the leſs, becauſe I never take my notions of religious rights from human laws; or of what Almighty God has veſted mankind with, from the declarations and deciſions of his fallible creatures.—But thus much I may ſay, that the Lords and Commons might juſtly be ſuppoſed at that time to have had their eyes, in the words before cited, upon all the happy conſequences of the ſettlement of the crown upon King William; one of which was the *Toleration* of Proteſtant Diſſenters.—This either was the right of thoſe Diſſenters; or it was not. If it was not, then the legiſlature granted them what they had no right to; and acted a piece of injuſtice towards the eſtabliſhed church. But if it was their right (as the Dean will own, I ſuppoſe, becauſe he is, as he ſays, ſo much better pleaſed with the church itſelf, ſince this was granted [a];) then here is a right, and this a religious right, reſtored by means of the Revolution, diſtinct from all thoſe religious rights which are implied in the eſtabliſhment of the Church of England. The legiſlature granted this, as a right, and a religious right: and, therefore, it is a groundleſs imputation upon it to ſay, that 'the legiſlature knows no religious rights but what are contained 'in the eſtabliſhment of the church;' when it is ſo evident, that the ſame legiſlature knows the right to toleration, upon which the expreſs law for it muſt be ſuppoſed to be founded, unleſs you will ſuppoſe them to have done wrong to the eſtabliſhment by it.

I ſhall add one word with reſpect to the malignant influence of ſuch arguments as this, taken from human legiſlatures, upon the cauſe of truth, of Proteſtantiſm, and of the Church of England itſelf.—Suppoſing the legiſlature of Spain to know no religious rights, but what are contained in the eſtabliſhment of the Popiſh church there; will it follow, that oppreſſed and injured Proteſtants have therefore no right? Suppoſing the legiſlature of Scotland, before the Union, knew nothing of any religious rights, but what are contained in the eſtabliſhment of the Kirk of Scotland; or that the preſent legiſlature of Great Britain knows nothing of any other religious rights in that kingdom: does it follow that, therefore, Epiſcopal men, being good civil ſubjects, have no religious rights there?—I preſume, not. And if not; to what is it that ſuch arguments tend, but to injure what is founded on truth in our own opinion, as well as what we eſteem to be founded on falſehood; to lay waſte the religious rights of all equally; and to hurt ourſelves in ſome places, and at ſome times as well as our neighbours, and fellow creatures, and fellow ſubjects in others?

Dr.

[a] P. 45.

Dr. Sherlock ſays, that 'if it be reaſonable to keep any power out 'of Diſſenters hands; that power certainly which gives them an 'influence in the legiſlature, in making laws for church and ſtate, 'ought eſpecially to be kept from them. And it muſt, upon the leaſt 'reflection, appear very ſtrange, to advance a man to a ſhare in 'making laws for the nation, and yet to deny him all other power[b].' —Now this is *actually* the caſe with us at preſent. For a Non-conformiſt may, by the law, have a ſhare in making laws for the nation; and yet is, and ought to be, according to the Dean, excluded from offices of power and truſt.—As this does indeed appear very ſtrange to me, I would argue from it, that they who are legally capable of a ſhare in making laws for the nation, ought not to be denied powers and truſts of a leſſer ſort.

In order to ſhew the propriety of excluding Diſſenters from public offices, Dr. Sherlock informs us, that there are ſuch excluſions in all countries, and particularly in all Proteſtant countries. To this I anſwer, ſo much the worſe: and ſo much the more need ſtill, of ſpeaking plainly upon this ſubject.—If there can be *one* inſtance of public advantage proved to accrue to any kingdom or commonwealth, from ſuch confinements of offices, which is not vaſtly overweighed by multitudes of apparent inconveniences and great diſadvantages; ſomething might be urged from example. But when no ſuch thing can be ſhewn; but, on the contrary, the riſe and increaſe of many evils, as well as the inequality and unrighteouſneſs of the thing itſelf, is evident beyond all contradiction; the urging ſuch examples is only declaring others to be like ourſelves; and giving that miſerable comfort, that we are not alone in this unhappineſs: which neither leſſens the imprudence, nor the guilt of any thing.—But after all this boaſted ſimilitude (which is never to be allowed as any argument, but when we like it), I would aſk the Dean a few queſtions: though I lay no ſtreſs upon them, as to the eſſence of the matter before us.

What injury has the Republic of Holland received from leaving the higheſt military poſts open to men of all denominations? And how does this practice bear any reſemblance to ours? What injury would the ſame Republic receive, were civil offices laid open to Armenians? and what has the confinement of God's favours in the ſyſtem of Calvin, to do with the confinement of the offices and favours of men, in the ſyſtems of this world's politics? What poſſible diſadvantage could ariſe to that ſtate, from a perſon's being in office, who believes that Chriſt died for all men, in a ſenſe different from that in which his honeſt neighbour believes the ſame propoſition?—Suppoſing multitudes in Holland ſhould, by hearing our liturgy ſometimes read in any Engliſh churches there, come to approve of it, and to chuſe it as the beſt manner of public worſhip; would the Dean think the States

[b] P. 45.

in danger of being undone, if theſe perſons were not excluded from all offices? Or would he think this choice ſo much as a misfortune to them? And much leſs, a crime, ſufficient to be a juſt reaſon for their ſuffering in their civil rights, that they like our church better than another? and yet, this muſt be the caſe, according to his way of arguing. Every one muſt ſuffer, and ſuffers juſtly, unleſs in England itſelf, for approving the Church of England, and chuſing our manner of worſhip.

Again, what damage would that government receive, in which, the Dean aſſures us, there is a mixture of Calvaniſts and Lutherans, if that mixture were equal, or accidental? Or what reſemblance, in his opinion, can this mixture, as he repreſents it, bear to his own notion of our laws juſtly excluding all Nonconformiſts to one particular church, or ſyſtem? And how can he give ſuch inſtances, as bearing any likeneſs to our ſtate?—Above all, what has Denmark, or Sweden, gained by their ſtrictneſs and ſeverity upon ſuch accounts; unleſs the great advantage of a naked country, and a depopulated ſtate?

But, with reſpect to all the governments that the Dean has named; can he produce any one of them, which makes the participation of the *holy ſacrament*, the inſtrument of their worldly partiality?—And does not this ſhew, that he can find no total ſimilitude to what he now defends by the example of thoſe, whom he will not follow in other things; after having tried in vain to defend it by reaſon and argument?—I wonder he did not mention France, Italy, Spain, and Portugal, as well as thoſe countries he has named; for the cauſe and the argument receives juſt as much ſupport from the proceedings of the Papiſts againſt their Proteſtant Diſſenters, as from the proceedings of the Proteſtants againſt one another: and with this advantage, of not contradicting the main principles of their cauſe, or the foundation of their churches!

It is not neceſſary to mention again the caſe of North Britain, in this ſame kingdom and iſland: as to which, I have already taken ſufficient notice of the happy influence of ſuch reaſonings and ſuch examples upon the members of the church of England itſelf.—For as Scotland is, in effect, equally called upon by the Dean, to take notice of theſe glorious inſtances of excluſion and diſqualification, in all Proteſtant countries; and to follow ſuch noble examples: the governor and members of the Kirk there, are obliged in duty, (if all this ſignify any thing,) to guard with the utmoſt care all the confines of their offices from the moſt diſtant approaches of any men, who like the Church of England better than the Kirk of Scotland.

Before I proceed to conſider particularly the Dean's *ſecond* queſtion, I ſhall add two other ſhort arguments to thoſe that I have already given, againſt the general ſtrain of Dr. Sherlock's reaſoning.

That way of reaſoning which either juſtifies the Heathen civil governments, in having denied to Chriſtians that capacity of holding civil offices, which they allowed to thoſe of the eſtabliſhed religion, or ſeverely blames thoſe Heathen governments which were guilty of ſo much folly as to allow to any Chriſtian ſuch a capacity; ought not to be admitted by Chriſtians; I might have ſaid, ought to be abhorred by them. But the Dean's reaſoning is guilty of both of theſe; and, therefore, ought to be rejected by Chriſtians.

That way of reaſoning which by neceſſary conſequence leads to open and cruel perſecution of Diſſenters in all countries, which juſtifies the inquiſition itſelf againſt all Proteſtants, which juſtifies the greateſt violences of the late King of France againſt the Proteſtants there; which not only permits all this, but directs and guides Chriſtians to mutual oppreſſions, and mutual injuries, without number and without end; and which will ever continue to do ſo: Such a way of reaſoning, I ſay, cannot be juſt.—But the Dean's way of reaſoning is of this ſort: and, therefore, cannot be juſt in the account of any Chriſtian, or Proteſtant, who will but carefully examine into its foundation, and trace out the natural and unavoidable conſequences of it.

II. The greateſt part of Dr. Sherlock's book is taken up in the diſcuſſion of his *firſt* queſtion[b]; namely, 'Whether it be lawful to 'confine offices of power and truſt in the government to ſuch as are 'obedient and well-affected to the eccleſiaſtical ſtate and conſtitution 'of the realm?' Having determined this queſtion, as he conceives, in the affirmative—he proceeds to the diſcuſſion of his *ſecond* queſtion, namely, 'Suppoſing it to be right to put offices of power and truſt 'into the hands of ſuch only as are well-affected to the eccleſiaſtical 'eſtabliſhment, whether it be lawful to require of any man, who is 'willing to accept ſuch an office, that he ſhould communicate with 'the church eſtabliſhed, and particularly that he ſhould *receive the* 'ſacrament according to the rites and uſage of it, in order to prove 'his communion with it?'

In order to reſolve this queſtion in the affirmative, Dr. Sherlock ſays, that 'the Teſt Act obliges no man to receive the ſacrament. 'It may (and I doubt it too often does) prove a temptation to a man 'to do what otherwiſe he would not chuſe to do; but for ſuch 'inſincerity the receiver, and not the law-maker, is to anſwer[c].'

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[b] See P. 5. [c] P. 55.

As to the Dean's aſſertion, that 'the Teſt Act obliges no man to re-'ceive the ſacrament,' I admit this to be very true; but the Teſt Act obliges a man either to receive the ſacrament in one particular manner, at one particular time, or to forfeit all his right to any office, and all his hopes of worldly preferment. This is not a natural neceſſity, I own; but it is certainly a moral neceſſity; ſuch a neceſſity as generally proves irreſiſtible to the worſt of men, who have leaſt right either to offices themſelves, or to this particular means of coming into them.

The Dean ſays, in another place, 'I have heard much and juſt 'complaint of the iniquity of men, who have come to the holy ſacra-'ment, without devotion, nay ſometimes with open contempt of it, 'merely to ſatisfy the letter of theſe laws; but the legiſlature cannot 'be charged with eſtabliſhing guilt and hypocriſy by a law [d].' He might then have ſaid, that the Teſt Act proves a temptation to many men, not only to do what otherwiſe they would not chuſe to do (as he expreſſes it,) but to do what is very wicked; to abuſe this holy inſtitution; to approach it without any true ſenſe of what they are doing, and the like. But this it ſeems is nothing to thoſe who lay this temptation, this ſtrong temptation, in men's way.

For ſuch inſincerity, ſays he, the receiver, and not the law-maker, is to anſwer. Now this is either a turn of the queſtion from its true ſtate, or very inconſiſtent with the Chriſtian ſolution of ſuch caſes. If by inſincerity here he means merely that general inſincerity which a man muſt be ſuppoſed to have, who can act ſuch a part without any remorſe or thought of his duty; it is true, that for this particular fault in another, that other only is anſwerable.—But the fault of laying this temptation is not the receiver's fault. It is a point wholly diſtinct from what he himſelf is guilty of. The Dean here, according to his cuſtomary favour, is good enough to drop ſomething to ſet againſt his own aſſertions. He owns this to be a temptation. If ſo, this temptation is laid, not by the receiver, but by perſons diſtinct from him. Suppoſing, therefore, that the receiver be anſwerable for his own inſincerity, there remains another point, and that is, the laying a temptation of ſo fatal, known, and natural an effect as this. And for this other point, which is here wholly overlooked, no one can be anſwerable but they who firſt laid it, and they who wilfully continue it. The Dean, who never forgets to mix his good ſenſe with his bad cauſe, was ſo ſenſible of this, that in the very next words he directs us again towards the truth. 'We ought not, indeed,' ſays he, 'to lay ſtumbling blocks in the way of our brethren.' He might have added, nor incitements and allurements for infidels and debauchees to come and partake of the communion amongſt Chriſtians. But this he forgets.—If 'we ought not to lay ſtumbling-'blocks in the way of our brethren,' and this is a ſtumbling-block

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(as he in effect owns, and as all the world knows), then the law-makers have done what they ought not to have done, in laying this ſtumbling-block: and for this certainly, which is their act and deed, they are anſwerable juſt as much as others are for their own fault, who wilfully fall into ſin, or who are (in the Dean's words) induced by this 'to do what they would not otherwiſe chuſe to do.' In the caſe of laying ſtumbling-blocks, and of falling by them, there is always a fault on both ſides, and to be anſwered for by both parties concerned.

Dr. Sherlock himſelf admits, that there is much and juſt complaint of the iniquity of men, who receive the ſacrament in a wicked and profane manner, merely to ſatisfy the letter of the Teſt Act. This act, therefore, is the natural and evident occaſion of ſuch profaneneſs, and muſt be charged with it, whilſt it is known that there are atheiſts, infidels, and debauchees in the world: for the offices of this world are their all. The teſt act declares them incapable of theſe offices without receiving the communion. What remains, therefore, but that they come and receive the bread and wine, in manner and form appointed. The action is as indifferent to them as any other action; they have no ſcruples of conſcience about it; they cannot have a poſt without it; and, therefore, it is to them an eaſy and natural reſolution to have one with it.

And as the Dean himſelf acknowledges, that 'we ought not to 'lay ſtumbling-blocks in the way of our brethren,' ſo he alſo ought to admit, that it is highly unbecoming to lay a neceſſity upon atheiſts and debauchees, either to come to the moſt ſolemn inſtitution of Chriſtian worſhip, againſt which they can have no ſcruples of conſcience, or to renounce all hopes and all thoughts of worldly promotion; which latter is to them a moral impoſſibility.

It appears, indeed, to me, to be an undoubted truth, that to make a ſacred inſtitution, appointed ſolely for the remembrance of Chriſt's death in the aſſemblies of Chriſtians, the inſtrument of poſſeſſing civil offices for Atheiſts and Infidels, as well as one particular ſort of Chriſtians, to the excluſion of others; that this, I ſay, is debaſing a ſacred inſtitution into a political tool and an engine of ſtate: for certainly, whatſoever is made an inſtrument, without which there ſhall be no poſſeſſion of civil offices, and of the poſts of this world, is a political tool and an engine of ſtate.

That the Teſt Act has kept out Papiſts from offices, and done ſervice that way to the nation, I have never denied: but that it has kept out others, who have not forfeited their common right to civil offices by any diſaffection to the civil government, is as true on the other hand. And, as I hope a method might be found out, full as effectual with reſpect to Papiſts, as this of the ſacramental teſt, which

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is effectual, and can be effectual only becauſe the leaders of the Papiſts have not yet thought fit to give them a general diſpenſation to communicate with us when they pleaſe; ſo I cannot think that one good effect of a law, depending upon accidental circumſtances, can be a ſufficient reaſon for it, if it be found to be unjuſt, and diſagreeable to the ends of civil government, and injurious to good ſubjects; as well as a debaſement of a ſacred inſtitution of the Chriſtian religion.

Dr. Sherlock endeavours to prove, that it is as juſtifiable for the government or the magiſtrate, to require the ſacramental teſt, as it is to require the ſecurity of an *oath*. 'When the magiſtrate (ſays he) 'requires an oath, he lays hold on the natural ſenſe and obligation 'we are under to believe in, and to fear God; and grounds the teſt 'on them. When he requires the ſacramental teſt, he lays hold of 'the obligation we are under to communicate with that Church, 'which we eſteem to be a true part of the Church of Chriſt; and 'grounds the teſt on it [e].'

This is manifeſtly a very partial and a very miſtaken parallel, as to any juſtification it affords the magiſtrates, in the caſe before us. And I will beg leave to put it as follows:

When the magiſtrate requires an oath for the purpoſes of civil intereſt, or in order to poſſeſs a civil office, he requires a thing which was never appointed by God, or by Chriſt, to any other purpoſe; a thing which is in its own nature peculiarly fitted for purpoſes of this world upon this very account, becauſe it ſuppoſes, in the generality of men, a fear of ſome Superior Being, the avenger of falſehood and injuſtice; a thing which is the only proper inſtrument of what it is applied to, and in the application of which no partiality, in any degree, is implied or deſigned; and a thing which, though it may be abuſed by the wickedneſs of men, yet is the neceſſary, and perhaps only means of the end propoſed: which renders the law requiring it, juſt and not chargeable with thoſe abuſes.

Now, in the other caſe, when the magiſtrate (that is, the lawmaker) requires the ſacramental teſt, in order to the poſſeſſion of civil offices, he requires an action to be done for this worldly purpoſe, which our Lord himſelf has appropriated to *another* and a ſpiritual purpoſe; aud by ſuch appointment has in effect conſecrated and dedicated to one ſole uſe of quite another nature, and to quite another end; an action which has nothing in its inſtitution, nothing in its nature, that bears any relation to the purpoſes of civil life, and therefore is not a proper inſtrument of what it is applied to: an action to be performed after ſuch a peculiar manner, as implies in it a diſtinction to be put by it between ſome civil ſubjects and others equally good civil ſubjects, and makes that an inſtrument of partiality and animoſity, which was ordained by Chriſt as an inſtrument of the ſtricteſt union and affection between all his followers: an action, made neceſſary

[e] P. 61.

neceſſary to the promotion of Infidels; who have no part in it, and yet muſt perform it, for that end: an action which they, who ordain and continue it for this purpoſe, know muſt lead to thoſe abuſes which the Dean ſays he ſees and laments: an action, neither the only nor the proper ſecurity againſt any evils, and, conſequently, not neceſſary for that purpoſe: which conſideration makes it impoſſible to juſtify a law, which unneceſſarily enacts what naturally and unavoidably leads to ſuch evils.

And now, let any one judge of the exact parallel between the ſacramental teſt, which is the uſe of the holy ſacrament for purpoſes very different from what it was ordained for; and the uſe of oaths, which is the uſe of what are fit and proper for the purpoſes they are appointed for. And if theſe conſiderations are not enough to ſatisfy Chriſtians, I confeſs, I ſhall deſpair of their being made ſenſible of any thing.

Dr. Sherlock employs ſome pages in endeavouring to remove the objection, that the law requires clergymen to admit ſuch perſons to the communion as ought not to be admitted, unleſs they chooſe to be ruined, by law expences, for not doing it. This objection he conſiders as ill-founded. But, I confeſs, I always imagined this to be a grievance, in the opinion of all the clergy in the land, of all parties, from the higheſt to the loweſt[f].—But the Dean contends, that this objection has no weight, 1. Becauſe there are ſeveral other laws, as that about tithes, for inſtance, liable to the ſame objection, viz. That it often proves ruinous to a clergyman to ſue for his tithes, &c. To which I anſwer, that the argument ought to be the direct contrary, viz. that ſuppoſing them to have many other hardſhips, there is the greater reaſon to releaſe them from this. But all his force here is ſpent upon the ſuppoſition, that this was uſed as an argument againſt the juſtice of the law; whereas, though this is indeed an argument againſt an unneceſſary thing, yet the ſtreſs was not laid upon this, but upon the hazard run by not giving the communion to perſons utterly unqualified for it. And, 2. Suppoſing that the law ſhould be found to juſtify a clergyman in not doing this, will this juſtification be an entire ſatisfaction? and is a great trouble and expence upon ſuch an account, of no importance in ſuch an affair, or towards diminiſhing the great juſtice and goodneſs of ſuch a law? But, 3. The utmoſt comfort that the Dean propoſes is, that a clergyman may be juſtified in a court of judicature by the rubric, in rejecting a notorious offender againſt the laws of God, though that offender loſes an office by it. This is his law: and his divinity for their comfort is this, viz. That 'until a ſin becomes an offence to the congregation, it does not neceſſarily call for open cenſure.' This may be meant for law too, for aught I know; and if it be, then a clergyman is ſtill left to be undone, upon the occaſion of ſuch a refuſal, unleſs he can prove, in a legal way,

[f] Yet this is what the Leeds clergy now deny.

way, by legal evidence, that this perſon is guilty of ſuch or ſuch a notorious practice; and that this practice is an offence to the congregation: in which will be included this point likewiſe, what the congregation is; whether two or three, or a quarter, or half, or a majority, or the whole of it. What a great comfort muſt it be to a poor curate, to be engaged in ſuch a proceſs, in the forms of our law, upon ſuch an occaſion! and how ought we to be congratulated upon ſuch happineſs as this, diſcovered and defended by the Dean!—But if he meant this for good divinity, I fear he will find it hard to prove it to be conſiſtent with the duty of a good clergyman. For, ſuppoſing him to know certainly that a perſon is an unbeliever, or habitually engaged in a courſe of ſin utterly forbidden and condemned in the Goſpel; will this juſtify him in owning this perſon as a Chriſtian fit for the communion, merely becauſe the congregation happens to know nothing of this? Let the Dean try to reconcile this with truth and Chriſtianity; remembering, that every clergyman has a private conſcience to be ſatisfied with his own private conduct.

One objection that has been made to the Teſt Act, is ſtated by Dr. Sherlock in the following terms: 'that it is a *worldly motive* to 'induce Chriſtians to the ſame one certain profeſſion in religious mat-'ters, and to the ſame one certain form of words and ceremonies in 'public worſhip.' To this the Dean adds a very moving exclamation: 'I would to God (ſays he) it had produced this effect!'—That is, I would to God (ſays a Chriſtian divine) that Chriſtians had been induced, by a worldly motive, to an univerſal uniformity in ſounds, and geſtures, and ceremonies! For my own part, I am not aſhamed to ſay, God forbid! nor afraid to give the world ſuch reaſons as theſe for ſaying ſo; viz. That the ſame worldly motive would as certainly, in other conjunctures, and other circumſtances, make thoſe who are induced by it, as ready to an uniformity in the direct *contrary* ſounds, geſtures, and ceremonies: That the ſame worldly motive would induce them to be Papiſts in Spain, Preſbyterians in Scotland, and Mahometans in Turkey: That the ſame worldly motive, conſidered as the inducement (which is the ſuppoſition, and the ſole ſuppoſition here) acts uniformly in one and the ſame way, in this reſpect, that it knows no other gods but the gods of the country; no other church, but the church eſtabliſhed, let it be what it will; no other religion, but the religion of the prince, or ſupreme power; though it works very differently in regard to the object, to which it is applied, which is as various, and as contradictory, as all the ſeveral religions and profeſſions in the world can be.—Let the Dean therefore, have the glory of wiſhing all the Chriſtians of the ſouthern part of this iſland, to be induced to uniformity, in one way, by the conſideration of poſts and offices: And let who will wiſh the ſame in another way, for the northern part of it. I will uſe no ſuch arguments, as bring a diſgrace upon the cauſe

cauſe they profeſs to ſerve; and really diſ-ſerve it in other places, as much as they can be ſuppoſed to ſerve it in this. Much leſs will I ever avow ſuch arguments, as ſuppoſe religion to be conſiſtent with ſuch worldly inducements: nay, to be the product of ſo poor and ignoble a cauſe.

I have now examined Dr. Sherlock's arguments; firſt, for the excluſion of good civil ſubjects from offices, merely upon account of their diſaffection to a church eſtabliſhment; or rather of their leſſer degree of affection for one church than for another:—and then, for employing to this ſecular purpoſe the communion, a ſacred inſtitution of our Lord himſelf, appointed for another purpoſe, wholly relating to another world.—And I have ſhewn, that his arguments are inconſiſtent with the rights of all Chriſtians, and contrary to the principles of the whole Reformation: that his plauſible arguments for excluſive laws, upon religious conſiderations, drawn from ſelf-defence, or former behaviour of predeceſſors, hurt the church of England itſelf in other places, times, and circumſtances, as much as they can pretend to help it here, now: that they juſtify the Heathens excluſion of Chriſtians; the Papiſts excluſion of Proteſtants; and the worſt of Proteſtants excluſion of the beſt, from all offices, whenever power may be in their hands. I have alſo ſhewn, that it is a proſtitution of the holy ſacrament, to apply it to a purpoſe of a different nature from what the great Inſtitutor ſolemnly appropriated it to; and to make that the tool of this world, which he ordered to have reſpect only to another. And I have proved, that the Teſt and Corporation Acts are repugnant to reaſon and to juſtice.

What I have written may probably be miſrepreſented; but whatever imputations may be thrown out againſt me, neither the Dean of Chicheſter nor any one elſe can rob me of the inward ſatisfaction I enjoy, in the ſincere endeavours I have uſed, in this piece, and in my former writings, to propoſe and recommend ſuch principles, as may at length, with the aſſiſtance of more able hands, effectually ſerve to eſtabliſh the intereſts of our common country and *our common Chriſtianity, of human ſociety* and true religion, of the preſent generation and the lateſt poſterity, *upon one uniform, ſteady, and conſiſtent foundation.*

APPENDIX.

[N° 1.]

Extract from page 7, of the Life of Thomas Sherlock, D.D. late Lord Biſhop of London, and Maſter of the Temple, prefixed to the 6th Edition of his Diſcourſes, in 4 Vols. printed in 1772, for J. Whiſton, Boyle's Head, and W. Owen, Homer's Head, Fleet-ſtreet; and E. Baker, Tunbridge.

'Excepting three ſermons, preached on public occaſions, Dr. Sher-
'lock's firſt appearance as an author, was in the famous Bangorian
'Controverſy; and he was, by far, the moſt powerful antagoniſt
'Biſhop Hoadly had. He publiſhed a great number of pamphlets upon
'this occaſion; the principal of which is intituled, "A vindication of
"the Corporation and Teſt acts, in anſwer to the Biſhop of Bangor's
"reaſons for the repeal of them 1718." To this Biſhop Hoadly
'replied; yet, while he oppoſed ſtrenuouſly the principles of his ad-
'verſary, he gave the ſtrongeſt teſtimony to his abilities, calling his
'book, "the moſt plauſible and ingenious defence that he thinks had
"ever been publiſhed, of excluding men from their acknowledged civil
"rights on account of differences in religion, or in the circumſtances
"of religion."—It has been ſaid, *Biſhop Sherlock afterwards diſ-*
'approved the part he took in this diſpute, and would never ſuffer his
'pamphlets to be re-printed.'

[N° 2.]

TO the preceding Treatiſe of Biſhop HOADLY's, it may not be improper here to ſubjoin the teſtimonies of two other eminent and learned Divines of the Church of England, in ſupport of the propriety of a Repeal of the Teſt and Corporation Acts.

Dr. ARTHUR ASHLEY SYKES, a clergyman of diſtinguiſhed abilities and worth, publiſhed, in 1736, a piece, entitled, 'The Reaſonableneſs 'of applying for the Repeal or Explanation of the Corporation and Teſt 'Acts impartially conſidered [f].' In this tract Dr. Sykes ſays, 'The 'Proteſtant Diſſenters are known to be as hearty, and as ſincere ſubjects 'to the King as any other ſubjects in his Majeſty's dominions [g];' and he therefore contends, that no other teſt ought to be required of them, on their being admitted to places of truſt and power, but the oaths of allegiance and ſupremacy, and the declaration againſt Popery.

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[f] This Pamphlet was publiſhed without Dr. SYKES's name; but it is aſcertained to be his by the Rev. Dr. DISNEY, in his accurate and valuable life of him, publiſhed in 1785.

[g] The Reaſonableneſs of applying for the Repeal, &c. p. 19.

The ſame year Dr. Sykes alſo publiſhed a pamphlet, entitled, 'The 'Corporation and Teſt Acts ſhewn to be of no Importance to the 'Church of England [h].' In this piece Dr. Sykes ſays, 'The govern-'ment of the Church by biſhops is the ſame, and ſo it was long before 'the Teſt Act was made. The repeal of it does not deſtroy their 'ſeats in parliament, nor take away their baronies, nor deprive them of 'their juriſdiction; nor any ways affect them in their powers, or pro-'perties, or perſons. They are left exactly in the ſame ſtate as they were 'both before this act was paſſed, and which they have been in ever ſince 'this act has exiſted. The inferior clergy are exactly the ſame; no 'ways touched in their perſons, privileges, or properties. The church 'laity are the ſame, excepting that they will not be obliged to 'turn the ſacrament of the Lord's Supper into any political tool, 'or make it an inſtrument applicable to uſes, for which our Lord 'and Saviour never intended it. Diſſenters, indeed, will be helped; 'an *incapacity* to them will be removed: but is this a change of *con-'ſtitution* in either church or ſtate, more than the repeal of any preſent 'act of parliament makes, which gives an eaſe or help to any particular 'perſons whatever? The conſtitution of the church is the ſame 'now, that is was before the Teſt Act paſſed; and ſo it would be ſtill 'were the Teſt repealed, unleſs it be ſaid to be altered by every act of 'parliament that paſſes in relation to the church. And if this may 'be admitted, then the conſtitution of the church has been altered 'threeſcore times within theſe threeſcore years; and ſtill the church 'ſubſiſts, and flouriſhes, and has received no damage by ſuch changes. At the cloſe of this piece, he ſays, 'And now I leave the reader to 'judge, whether the ſacramental teſt be of any importance either to 'church or ſtate; whether it be not a real prejudice to Chriſtianity it-'ſelf; and whether that which is prejudicial to Chriſtianity can be of 'importance to the Church of England.—Or if one conſiders the ſtate diſtinct from the church, it is an injury to take away men's rights, 'which they have never forfeited; it is weakening the ſtate itſelf, it is a 'hardſhip put upon the government, and no one ſingle good can poſ-'ſibly be obtained to the ſtate by it. The continuance, therefore, of 'ſuch a teſt has much evil, and no good. It is a real damage to 'Chriſtianity, and a grief to all its moſt ſerious profeſſors [k].'

The reverend and learned Mr. PALEY, Archdeacon of Carliſle, in his "Principles of Moral and Political Philoſophy," makes the following obſervations: 'Toleration is of two kinds: the allowing 'to Diſſenters the unmoleſted profeſſion and exerciſe of their religion,

h This alſo was publiſhed without Dr. Sykes's name, but is likewiſe aſcertained to be his, by Dr. Diſney.

i The Corporation and Teſt Acts ſhewn to be of no importance to the Church of England, p. 34, 35.

k The Corporation and Teſt Acts ſhewn to be of no Importance to the Church of England, p. 71, 72.

'ligion, but with an exclusion from offices of trust and emolument 'in the state, which is a *partial* toleration; and the admitting them, 'without distinction, to all the civil privileges and capacities of other 'citizens, which is a *complete* toleration.—The expediency of tole-'ration, and consequently the right of every citizen to demand it, 'as far as relates to liberty of conscience, and the claim of being 'protected in the free and safe profession of his religion, is deducible 'from the second of those propositions, which we have delivered as the 'grounds of our conclusions upon the subject. That proposition 'asserts truth, and truth in the abstract, to be the supreme perfection of 'every religion. The advancement, consequently, and discovery of 'truth, is that end to which all regulations concerning religion 'ought principally to be adapted. Now, every species of intolerance 'which enjoins suppression and silence, and every species of persecution, 'which enforces such injunctions, is adverse to the progress of truth; 'forasmuch as it causes that to be fixed by one set of men, at one time, 'which is much better and with much more probability of success, left 'to the independant and progressive enquiries of separate individuals. 'Truth results from discussion and from controversy: is investigated 'by the labours and researches of private persons. Whatever therefore 'prohibits these, obstructs that industry and that liberty which 'it is the common interest of mankind to promote [l].'—The confining 'of the subject to the religion of the state, is a needless violation 'of natural liberty, and in an instance in which constraint is always 'grievous. Persecution produces no sincere conviction, nor any real 'change of opinion. On the contrary, it vitiates the public morals, 'by driving men to prevarication, and commonly ends in a general, 'though secret, infidelity, by imposing under the name of revealed 'religion, systems of doctrine which men cannot believe, and dare 'not examine [m].' When we examine the sects of Christianity, 'which actually prevail, in the world, we must confess, that with 'the single exception of refusing to bear arms, we find no tenet in 'any of them, which incapacitates men for the service of the state. 'It has, indeed, been asserted, that discordancy of religions, even 'supposing each religion to be free from any errors that affect the 'safety or the conduct of government, is enough to render men unfit 'to act together in public stations. But upon what argument, or upon 'what experience, is this assertion founded? I perceive no reason 'why men of different religious persuasions may not sit upon the 'same bench, deliberate in the same council, or fight in the same 'ranks, as well as men of various or opposite opinions upon any 'controverted topic of natural philosophy, history, or ethics [n].'

In

[l] Principles of Moral and Political Philosophy, p. 578, 579. Second edit.
[m] Principles of Moral and Political Philosophy, p. 580. [n] Ibid, p. 582.

APPENDIX.

[N° 3.]

In 1769 and 1772, the miniſters among the Diſſenters applied to Parliament for relief from the obligation they were then under to ſubſcribe the doctrinal articles of the Church of England in order to be entitled to a toleration, and both times ſucceeded in the Houſe of Commons, in conſequence of LORD NORTH's neutrality, but were defeated in the Houſe of Lords, in conſequence of an oppoſition from the Epiſcopal Bench. They perſevered, however; the Biſhops repented; and a third application proved ſucceſsful in both Houſes.—In the debate occaſioned in the Houſe of Lords by the *ſecond* application, Dr. Drummond, the Archbiſhop of York, having called the Diſſenting Miniſters "men of cloſe ambition," Lord CHATHAM ſaid, that this was judging uncharitably; and that whoever brought ſuch a charge againſt them, without proof, defamed. Here he pauſed; and then went on—"The Diſſenting Miniſters are repre-
"ſented as men of cloſe ambition. They are ſo, my Lords; and
"their ambition is to keep *cloſe* to the college of fiſhermen, not of
"cardinals, and to the doctrine of inſpired apoſtles, not to the decrees
"of intereſted and aſpiring biſhops. They contend for a ſpiritual
"creed, and ſcriptural worſhip. We have a Calviniſtic creed, a
"Popiſh liturgy, and an Armenian clergy. The Reformation has
"laid open the ſcriptures to all. Let not the Biſhops ſhut them
"again. Laws in ſupport of eccleſiaſtical power are pleaded for,
"which it would ſhock humanity to execute. It is ſaid, that reli-
"gious ſects have done great miſchief, when they were not kept
"under reſtraint: but hiſtory affords no proof that ſects have ever
"been miſchievous, when they were not oppreſſed and perſecuted by
"the ruling church." See the Parliamentary Debates for 1772.

In one of his letters to a friend, not long after this debate, dated Burton-Pynſent, January 16, 1773, he expreſſes himſelf in the following words: "In writing to you, it is impoſſible the mind ſhould not
"go of itſelf to that moſt intereſting of all objects to fallible man—
"TOLERATION. Be aſſured, that on this ſacred and unalienable
"right of nature, and bulwark of truth, my warm wiſhes will always
"keep pace with your own. Happy, if the times had allowed us to
"add hopes to our wiſhes."

FINIS.

4474. e. 49.